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ORDER OF COLONIAL LORDS  
OF MANORS IN AMERICA



Material for the Study of  
the  
Maryland Manors

*Compiled by*  
**MONTGOMERY SCHUYLER**  
*President of the Order of Colonial Lords  
of Manors in America*

1944



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## INTRODUCTION

The material in this pamphlet has been brought together for the purpose of supplying information in convenient form for the use of the Manorial and Executive Committees of the Order of Colonial Lords of Manors in America in determining which Maryland manors could properly be recognized by the Order. The Executive Committee in 1940 authorized me to prepare such a pamphlet but the pressure of all sorts of unexpected tasks has prevented me from carrying out this mandate until the present time.

The greatest and most difficult work always before the Order is the selection from the enormous quantity of so-called "manors" those which by the stipulations of their charters were real manors. The standards of the Order in this regard have always been of the highest and will not be let down. In the case of New York manors the matter is fairly simple and those grants properly entitled to be considered as manors may be regarded as settled.

In the case of Maryland the Order has, up to the present time, admitted eight members from Maryland manors. As there is considerable interest in these manors it is thought that this book may serve a useful purpose in giving a wider knowledge of this subject in a more accessible form than has been hitherto possible.

The test of a manor should be looked for primarily in the grant to see whether the charter expressly gave the right to hold a manor court. If the charter did not so provide, the grant should not be classed as a manor. The manor court however is a complicated structure. It originally exercised its criminal, civil or manorial jurisdiction as one court; the names may differ but the court was the same. The divisions into court leet, court baron and court customary do not belong to its early history. Later on it became an established custom that two courts were necessary for the existence of a manor, a court customary or a court leet and a court baron and in the 15th century we find this distinction. Later on again this differentiation was less and less insisted on and by the time of the English settlements in North America the entire manorial system in England itself was rapidly decaying. In fact, the manorial grants in New York, Carolina and Maryland were attempts to revive a dying system in England. It is for this reason that we find so many irregularities, omissions and changes in the charters made for the New

World. The subject is fascinating but difficult and well deserves more study than it has received. It would, however, take us too far afield to pursue it further here.

To make the matter of these manorial courts clearer I reproduce, by kind permission of Messrs. Funk and Wagnalls, the articles on Court Baron and Court Leet from the New International Encyclopedia (1905) vol. 5, pp. 508-9.

COURT BARON (*Lat. Curia Baronis*). The domestic court of the lord of a manor. Such courts were incident to every manor, barony, or lordship of land, in the Anglo-Saxon period of English history, and in subsequent ages came to be regarded as the characteristic and essential quality of a manor, insomuch that Coke declares that "a court baron is the chief prop and pillar of a manor, which no sooner faileth, but the manor falleth to the ground." Being of customary origin, and custom being a matter of immemorial usage, no new courts baron, and consequently no new manors, can be created, and it is asserted by Blackstone that all manors existing in his time "must have existed as early as King Edward the First." However this may be, the manorial courts of which we have any knowledge are of great antiquity, though those that remain have by successive acts of Parliament and social changes been reduced to mere shadows of their former authority and importance, most of them having today only a nominal existence.

The court baron was and is the court of the freeholders of the manor, as distinguished from the villeins and copyholders. The lord, or his steward, is the presiding officer of the court, which is composed of those freehold tenants of the manor who owe, as one of the services or incidents of their tenure, the service of 'suit,' or attendance, at the court. While the judicial functions of the court varied considerably, according to the customs of the manor, in general it exercised an ordinary jurisdiction in civil suits among the tenants of the manor, determined proprietary rights to land, regulated rights of common, sanctioned grants of the waste, etc. Until the reform of legal procedure in England in 1833, the great proprietary action for the recovery of land, known as the 'writ of right,' was properly instituted in the court baron, though the great authority of the regular tribunals of the kingdom had long since brought safer and more convenient processes within the reach of persons asserting claims to land. Many of the manorial courts have died out from the lack of a competent number of 'suitors,' i.e., freemen subject to do suit at court.

A species of court baron existed in the manors created by royal patent in the Province of New York in the seventeenth and eighteenth centuries. These were modeled after the historic courts baron

of the mother country, and for a time enjoyed considerable authority. They were abolished with the manors to which they were incident in the revolutionary legislation of 1787. Consult: Bolton, *History of the Several Towns, Manors, and Patents of the County of Westchester, New York*; Digby, *History of the Law of Real Property* (5th ed., Oxford, 1898); Pollock and Maitland, *History of English Law* (2d Ed., London, 1899); Maitland, *Select Pleas in Manorial Courts* (Selden Society, 1889), Introduction; Gurdon, *History . . . of Court Baron and Court Leet* (London, 1731).

COURT LEET (from *court* + *leet*, AS. *leode*, OHG. *lint*, Ger. *Leute*, people; connected with OCh. Slav. *Gudu*, Lett. *laudis*, *people*, and ultimately with Skt. *ruh*, to grow). In English law, a local customary court of great antiquity and of a popular character, having a limited criminal jurisdiction. It has been declared to be "the most ancient court in the land for criminal matters, the court baron being of no less antiquity in civil," and it is supposed to have been derived from the Anglo-Saxon folk-mote, in contradistinction, perhaps, to the "hall-mote," or court baron, which consisted of the freeholders, sitting in the hall of the manor.

Though usually found in connection with manors, the leet was not, properly speaking, a manorial court. There were town leets, borough leets, and hundred leets. But it was in connection with the manor, to whose internal organization it was peculiarly adapted, that the court leet reached its highest development. Though held by the steward, with the aid of the freemen of the manor (they were not required to be freeholders, as in the court baron), it was still regarded as belonging to the King. It was, in effect, a royal magistrate's or police court, having complete jurisdiction only of minor offenses (misdemeanors) and the jurisdiction of a committing magistrate in cases of felony and treason. These latter it referred to the superior tribunals of the country for trial and punishment. The court has now completely lost its importance, having been superseded by the police and county courts, though it still has a nominal existence in some manors. Jacob, *Law Dictionary* (title, "Court Leet") (London, 1809); Pollock and Maitland, *History of English Law* (2d ed., London and Boston, 1899); Gurdon, *History . . . of Court Baron and Court Leet* (London, 1731).

The Charter of 1632 from Charles I of England by which Maryland was created states that:

Article V. ". . . And we do by these presents for us and our heirs and successors make, create and constitute him the now Baron of Baltimore and his heirs the true and absolute lords and proprietaries of the region aforesaid . . . and to hold of us our heirs and successors, Kings of England, as of our castle of Windsor in our

county of Berks in free and common socage by fealty only for all services and not in capite nor by knight's service, yielding, therefore, unto us our heirs and successors two Indian arrows of those parts to be delivered at the said castle of Windsor every year on Tuesday of Easter week, and also one-fifth part of all gold and silver, which shall happen from time to time to be found within the aforesaid limits."

Article VI. ". . . we do, for us, our heirs and successors, erect and incorporate the same into a province and nominate the same Maryland, . . ."

Article XIX. "We also by these presents do give and grant license to the same Baron of Baltimore and to his heirs, to erect any parcels of lands within the province aforesaid into manors, and in every of these manors to have and to hold a court-baron, and all things which to a court-baron do belong; and to have and to keep frank-pledge for the conservation of the peace and better government of those parts, by themselves and their stewards or by the lords for the time being to be deputed, of other of those manors when they shall be constituted, and in the same to exercise all things to the view of frank-pledge belonging."<sup>1</sup>

The latest and most accurate publication on the manors of Maryland is the article on "Private Manors: An Edited List," by Donnell MacClure Owings, in the December, 1938, number of the Maryland Historical Magazine, reprinted in this pamphlet by the kind permission of the author and of the magazine. Mr. Owings, I understand, has examined the patents of all the sixty-two manors he enumerates and finds that a special clause in each enabled the owner "to enjoy within the said Mannor a Court Leet and Court Baron, with all things thereunto belonging, according to the most usual forme and custome of England . . ."

It would appear therefore that the Order should confine itself to a study of these sixty-two manors and the possibly one or more mentioned on page 37, note 3 of this pamphlet.

At this point I should like to make it perfectly clear that by giving lists of manors or by mentioning them in this work, it is not intended to give any recognition by the Order to them or to indicate that they have been approved for membership requirements in the Order. For this purpose it is necessary that the Manorial Committee shall have recommended to the Executive Committee and the latter shall have specifically approved each individual manor before it can be used in claiming membership in our Order.

Up to the present time the Order has accepted eight members from the following six manors: Clagett, De la Brooke, Evelinton,

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<sup>1</sup> See also Hester Dorsey Richardson, *Side-Lights on Maryland History*, Baltimore, Md., 1918, pp. 58-60.

Godlington, Mattapany-Sewall and St. Richard. All of these except Evelinton are included in Mr. Owing's list.

The Order and I are under a deep sense of obligation to the various authors and publishers who have so generously given permission to reproduce the articles contained in this pamphlet.

MONTGOMERY SCHUYLER

October, 1944



HENRIETTA MARIA, wife of CHARLES I of England, for whom Maryland (*Terra Mariae*) was named, from the portrait attributed to Sir Anthony Van Dyck in the collection of Montgomery Schuyler.

# PROPRIETARY MARYLAND

By CHARLES M. ANDREWS\*

Having started the settlement with the aid of the friendly Indians, Leonard and his commissioners proceeded step by step to put into operation the proprietor's instructions regarding the distribution of land and the conditions of plantation. Gradually during the next few years the region below the Patapsco was laid out according to a seigniorial and manorial plan. Overlaying the Indian towns and fields where the colonists first settled, stretching up the northern side of the Potomac, along both sides of the Patuxent, and including Kent Island there came into existence in somewhat shadowy fashion, the forms, tenures, and social relations of a baronial estate, reproducing intentionally but very sketchily proprietary conditions at home. The entire area was a palatinate or great barony, within which, standing in a feudal relationship with the proprietor, were the lords of the manors and the freeholders with their tenements. During the period from 1635 to 1665, the proprietor issued many detailed instructions regarding the way the land should be allotted and seated,<sup>1</sup> and though the conditions were frequently altered in matters of detail, they conformed very closely to a common type and that type one familiar to the proprietary class at home. They set the stamp of a decentralized and rural plantation system upon the

\* The Colonial Period of American History, vol. II, pp. 292-300, inclusive, by kind permission of the author, the late Professor Charles M. Andrews, of Yale University.

<sup>1</sup> For the many "conditions of plantations" see Kilty, *Land-Holder's Assistant*, chs. III, IV; *Maryland Archives* (as below). The original system underwent many modifications later, some of the conditions being made more liberal, others more restrictive. The peculiarly manorial grants did not outlast the seventeenth century and probably were beginning to disappear before 1660 (though we meet with manorial grants in 1669). The "headright" system ended in 1683. The following references may be given: *Maryland Archives*, I, 201; III, 47-48, 99-100, 223-228, 231-237, 329, 341, 458-459; V, 55, 63-64, 530; XVII, 239-241 (ending of headrights); XX, 434-435; XXII, 481; XXIII, 87, 211. The "Land Grants," "Land Notes," "Land Records," and "Rent Rolls" printed in the *Maryland Magazine* are indispensable. Also Mrs. Sioussat, *Old Manors in the Colony of Maryland*, I (Potomac), II (Patuxent), III (Patapsco, planned but never issued); Forman, *Early Manor and Plantation Houses of Maryland* (chiefly architectural); "First Grants on the Patapsco," *Maryland Magazine*, III, 51-60; Bond, "Quit-Rent in Maryland," *ibid.*, V, 350-365; Giddens, "Land Policies and Administration in Colonial Maryland," *ibid.*, XXVIII, 142-171; Gould, "The Land System of Maryland," Johns Hopkins University Studies, XXI, no. 1; and *Maryland Archives*, LI, *passim*. On the proprietary manors, Berkeley, *Maryland Magazine*, XXIX, 237-245.

colony, organized on a manorial plan and imitating as nearly as possible the features of an English barony. Within his own seignory, particularly within that portion of it which lay south of the Patuxent, he seems to have provided in a vague way for honours and baronies, the purpose and extent of which are not very clear except that they appertained to the proprietor himself.<sup>2</sup> We find mention of the barony of St. Mary's and the honour of West St. Mary's, and once in 1638, when the budding assembly audaciously brought in a bill for baronies, the bill was disallowed by the proprietor, probably because it dealt with a matter that did not concern that body.<sup>3</sup> While Cecilius may have had some idea at the beginning of creating such a feudal jurisdiction as appertained to an honour—because he had a right to do so since he possessed the dignity of a lordship—and to a barony—because he was a baron by patent—he was unable to give vitality to such archaisms, though the name "honour" continued to be used on into the eighteenth century.<sup>4</sup> The barony in Maryland never had that reality which the barony in South Carolina was to have, but in the effort that Baltimore made to transfer the landed institutions of England to his province in America he far outstripped any other founder of a proprietary colony. Sir Ferdinand Gorges was his closest rival, and what Baltimore did in Maryland Gorges would have been glad to do, on even a grander scale though with less absolute authority, in New England.<sup>5</sup>

<sup>2</sup> For a detailed account of such a system as that which Baltimore had in mind and tried to reproduce in Maryland see *The Berkeley Manuscripts*, III, "History of the Hundred of Berkeley," where we find the manor of Berkeley called a "great manor" and a "hundred," with lesser manors within, freeholds, and copyholds, and with all tenurial and judicial obligations appertaining thereto. Where the Berkeley conditions are time-honored and complete, those of Maryland are new and very incomplete. But the resemblances are perfectly clear, even to the existence of small manors or submanors held of a great manor (*ibid.*, pp. 61, 78, 197; *Maryland Archives*, LI, 139-140).

<sup>3</sup> *Maryland Archives*, I, 20.

<sup>4</sup> Kilty, *Land-Holder's Assistant*, pp. 101, 102. A good example is Westbury Manor, "To be holden as of our Honour of West St Maries." January 10, 1642 (*Maryland Magazine*, V, 172). The lord of this manor was our old friend of the Pilgrims, Thomas Weston, as is made clear by the designation "Thomas Weston, merchant" at the time of his death (1647) and by the fact that a claim was entered against his estate by one Stone of London, merchant (*Maryland Archives*, I, 230). Weston was "to hold, use, and enjoy within the said Manor Court Leet and Court Baron with all powers, rights and profits to the said Courts or either of them belonging by the Law and Custom of England." The manor of Evelinton was in the "Baronie of St. Maries" and the manor of Hope was to be held "as of the Honour of St. Mareys." See also, *ibid.*, LI, 27.

<sup>5</sup> We know that the charter which Gorges hoped to obtain from the crown in 1632 for the Council for New England was based on Baltimore's charter of four months before (above, Vol. I, 405, note 1), and that his own charter of 1639 for Maine had the same charter as its model. The powers granted were less absolute than those conferred on Baltimore because the Bishop of Durham clause in it granted only such privileges as the bishop had at the time of issue.

During the seventeenth century some sixty manors were erected, not including those which the proprietor and his relatives laid out in 6000 acre tracts, each for his own use.<sup>6</sup> There was also the abortive Indian manor of Calverton, across the Patuxent from Mattapany, where a form of copyhold tenure was provided for on paper but never given effect in use.<sup>7</sup> Manors held of the lord proprietor might contain anywhere from one to three thousand acres, and if formally created by patent, were endowed with all the rights and privileges belonging to a manor in England. "We have therefore of our Meer grace of and with the advice of &c and according to our Special Letters under hand and Seale, bearing date at Warder Castle 29 August 1636 &c with Wrecks &c Court Leet and Court Baron, according to the forme and usage of England &c will have it called St. Anne's yielding therefore 200 weight of good wheat &c."<sup>8</sup> That the holding of courts leet and baron was practiced on many of the manors at the beginning is likely enough, for the right so to hold was regularly conferred, but the record of only one such court has come down to us.<sup>9</sup> The payment of a rent—"the common mannor rent and conditions"<sup>10</sup> — in corn, tobacco, or other produce of the soil was required by the free and common socage tenure, in which all the lands were held. Required also was the oath of fidelity to the proprietor, the wording of which seems to have been drawn up by Cecilius in 1648,<sup>11</sup> though an earlier form undoubtedly existed.

<sup>6</sup> Kilty, *Land-Holder's Assistant*, p. 99. On these manors, one-sixth part, lying together in a contiguous place, was to be the lord's demesné, the rest was to be disposed of under instructions (*Maryland Archives*, V, 57, 95-96. Also XV, 30, XVII, 231). As late as 1669 Baltimore ordered that two manors of 6000 acres each should be laid out as proprietary reserves in each county.

<sup>7</sup> *Maryland Archives*, I, 330. This manor was never actually erected, and in 1662 grants were made to others out of the territory, *Calvert Papers*, I, 230; *Maryland Archives*, LI, 162, 490, 493.

<sup>8</sup> *Maryland Magazine*, VI, 197, also 198, 201-202, 264-265; VIII, 268 ("A court Leet & Court Baron, wth all things to the said Courts or eyther of them belonging, by the Law or Custom of England"; for the same right at Snow Hill, XLI, 535. For Leonard Calvert's manors, Trinity, St. Michael's, and St. Gabriel's, IX, 40-41.

<sup>9</sup> Johns Hopkins University *Studies*, I, no. 7, pp. 31-38. The manor is St. Clements, St. Mary's County, Thomas Gerrard, lord, John Ryves, steward, 1652-1672. The right to hold courts leet was granted to the lords of manors in New York erected by Governor Dongan. Note especially the grant of the lordship of the Manor of Queens Village, James Lloyd, first lord, New York Historical Society, *Collections*, 1926, pp. 72-77.

<sup>10</sup> *Maryland Archives*, XVII, 491.

<sup>11</sup> *Ibid.*, III, 196-197. The oath of 1648 contains no reservation of allegiance to the king, which was not added until 1684 (*ibid.*, XIII, 31, 254, 257). In 1656, the Committee of Trade, to whom the Maryland situation had been referred, made some alteration in the oath (below, p. 320), probably inserting the "Engagement" required by the Commonwealth "I do declare and promise that I will be true and faithful to the Commonwealth of England, as it is now established without King or House of Lords (Firth and Rait, *Acts and Ordinances*, II, 325; *Maryland Archives*, III, 342). It is possible that the insertion of this clause had something to do with Fendall's "pigmie rebellion" of 1660 (below, p. 323).

It was proposed in 1639 that a lord of a manor should be tried only by his peers, unless there should not be enough lords in a county to make up a jury, in which case freeholders might be used, but such proposal, though embodied in a bill, never became a law.<sup>12</sup> Later only lords of manors were allowed to sit as members of the governor's council.

Far more numerous than the lords of manors were the freeholders who had tenements, which they had taken up under the conditions laid down by the proprietor.<sup>13</sup> The size of a freehold—a term which of course included the manor also, but is here used to mean a tenancy only—might range from less than a hundred to more than a thousand acres, some freeholds being very small, others as large as a manor. The mere possession of land did not make a man the lord of a manor, for manorial rights could be created only by patent, therefore a freeholder might possess more land than a lord and still be only a freeholder. Many of these tenements lay within the bounds of some manor, outside the lord's demesne, just as did the freeholds of an English estate, and there were many land transactions involved in this location, such as forms of lease, sales, and testamentary dispositions, with which the proprietor had nothing to do, unless the tenements were a part of the proprietary manors. In either case these were strictly intra-manorial matters as were also the obligations to do suit and perform service. All landholders—manorial lords and freeholders—had to pay a quit-rent to the proprietor—a universal charge which made up a large part of the proprietor's revenue from the province. Many of those who received grants of land, even those holding manors or tenements elsewhere, received in addition, during the first few years, allotments in the fields or town of St. Mary's—"town land," it was sometimes called—and there was always the hope, though never realized, of making towns out of the two chief centers in the life of the colony, St. Mary's and Kent Island. At a later time a similar hope was entertained of making towns elsewhere, and a sort of boom was started in real estate transactions in sundry selected places, accompanied by a good deal of rivalry and ill will, but nothing of importance came of the attempt in the seventeenth century. Just as the manors bore a great variety of names, some religious (Trinity, St. Michael's, St. Gabriel's,

<sup>12</sup> *Maryland Archives*, I, 54.

<sup>13</sup> *Ibid.*, VI, 367; VII, 192. For example: grant of three hundred acres to William Smoote, who had transported himself, wife, and two children into the province, "to be holden of us or our heires as of the mannor of New Towne, Yelding & paying therefore yearly [to the proprietor] at our usual Receipt at St. Maries six shillings in money sterlign or three Bushels of Corn." Sometimes the rent was paid in barrels of Indian corn at five bushels to the barrel. The amount seems to have been always stated in sterling, with its equivalent in tobacco or corn (*Maryland Archives*, LI, 296, 297).

St. Cuthbert, and the like), others secular (Snow Hill, Westbury, Brook Place, Eyclinton), so most of the freehold-plantations bore names, as they usually did in England, both descriptive and jocose, such as Cook's Rest, Peverall, Hog's Neck, Parker's Folly, Owlet's Nest, Gum Neck, and so on in great and ingenious variety.<sup>14</sup> Servants at first, both men and women, and later servants and negroes formed the laboring class; the former under indenture for a term of years, at the expiration of which time their masters were obliged by the custom of the colony to give every one on departure a year's provision of corn, clothes, and planting tools.<sup>15</sup> Many of the plantations were under the immediate direction of overseers, whose compensation was a share of the crop and the sequelae, and whose customs and methods of management followed very closely those of Virginia.<sup>16</sup>

On the social and tenurial sides Maryland stands in a class by itself among the other colonies of the English world. No such form of aristocratic and seigniorial life characterized either Barbados or the Leeward Islands and no such transplanting of a manorial system took place in any other of the English continental possessions. At the beginning Maryland was no mere palatinate on paper; it was a land of actual manors, demesne lands, freehold tenements, rent rolls, and quit-rents. The lords of these manors, from the proprietor down, profited from the returns incident to these tenures, while the proprietor himself enjoyed the *jura regalia* of his palatinate, among which were the casual revenues from alienation fees, deodands, waifs and estrays, fines and forfeitures, felons' goods, and even the wild animals (stray cattle included) and wild fowl of the region.<sup>17</sup> The proprietor never attempted to take heriots or reliefs, but he had his manors, his reserves of vacant land, both cultivated and uncultivated, and his rights of escheat, which many of the colonists believed he exercised unfairly and even illegally. These rights he retained throughout the colonial period. He could hand over his privileges to any local lord he wished and he did this in a few instances, but such concessions were neither frequent nor important. All the

<sup>14</sup> These names appear in the rent rolls and very frequently in the chancery court proceedings (*Maryland Archives*, LI).

<sup>15</sup> *Maryland Archives*, V, 16; XIII, 454; LI, index. In 1676 the Fendall party said that "a great many of us came in servants to others, but all adventured our lives for it and got our poore living with hard labour out of the ground in a terrible wilderness" (V, 140). As a corrective of Alsop's unduly flattering account one should read the preface to volume XLIX of the *Archives*. Much new information has come to light since McCormac's essay was written (*Johns Hopkins University Studies*, XXII, nos. 3, 4).

<sup>16</sup> *Maryland Archives*, XLIX, 326-329.

<sup>17</sup> *Ibid.*, XVII, deodand; II, 89, 90, wild animals. The estates and goods of Claiborne, Fendall, Godfrey, and Talbot were all declared forfeited to the proprietor, but the judgments were never actually executed. In the Talbot case the question of forfeiture to the proprietor was in agitation for many years.

manors were divided, as we have seen, more or less unevenly, into demesne and freehold lands, both taking the form of plantations, where was cultivated what Cornwallis called the "stinking weed of America," because the colonists "were uncapable of carrying on any other worke to procure a livelyhood."<sup>18</sup>

Socially there was a great gulf fixed between the upper and lower classes, between the gentility and the mass of the people. Manors and plantations lay remote and widely scattered, with wooded spaces between, chiefly along the rivers and fronting Chesapeake Bay. Family distinctions were clearly marked and the lines which cut through provincial society in England found their counterpart in the smaller world above the Potomac. The proprietary family, relatives, and friends were in the ascendant and were accorded the prominence due their rank and official leadership. Roman Catholicism was the prevailing religious faith among them, and at St. Mary's and on many of the larger manors were to be found priests, chapels, and the regular services of the church. The story of Maryland in the seventeenth century is that of the gradual breaking down of this rigid and inelastic proprietary control and of the hopeless efforts of the proprietary family to maintain its position and its charter rights in the face of a rising tide of popular and religious opposition and of the expansion of England's commercial and colonial policy. The processes of transformation are sometimes imperceptible and sometimes violently manifest, but they led eventually to the elimination and displacement of the most outstanding proprietary features on the governmental side. They were never complete legally or in respect of the proprietary control of the soil, for Maryland, after a few years intermission as a royal colony, continued as a proprietary province throughout the entire period of our colonial history.

But the seigniorial organization of Maryland was more than social and tenurial, it was political and administrative as well. Even the later division of the territory into hundreds and counties, following English precedent, was rather for judicial than administrative purposes, while the parishes were ecclesiastical units, each in the hands of its vestry. Even these powers, judicial and ecclesiastical, were centralized in the proprietor under the charter and were by him delegated to his deputy in the colony, who directed their distribution. This deputy was Leonard Calvert until his death in 1647. It does not appear that Leonard had any formal commission before 1637. He had earlier instructions, but if an earlier commission was issued it has not survived. The first document of the kind is of date April 17, 1637, and the powers therein delegated are princely in their scope. Leonard was created lieutenant general, admiral, chief

<sup>18</sup> *Maryland Archives*, I, 271; V, 16; *Calvert Papers*, I, 176.

captain and commander on land and sea, and all officials in the colony of whatever rank or station were to recognize his authority and submit to his will. They were to aid him to suppress all insolencies and mutinies on pain of punishment for contempt of the proprietor's prerogative. He was also made chancellor, chief justice, and chief magistrate, with authority to appoint all judicial officers for the maintenance of the peace and the execution of justice, and was given full right to regulate the commercial activities of the planters, to keep in his possession the great seal of the province for the issuing of writs, commissions, licenses, and pardons, and to hear all final appeals in criminal, and civil actions, except only in capital cases, which were reserved for the proprietor himself. He could appoint the members of the council and in case of his own disability or absence could delegate his powers to whomsoever he pleased. He was the autocrat and dictator of the province, centralizing in himself every branch of the government and the tenure of every official, each of whom held only during his pleasure. Though concessions generally ran in the name of the proprietary they were often issued from St. Mary's by Leonard himself, and in some instances were sent out in his own name.<sup>19</sup>

\* \* \* . \*

Nothing is said in the charter of the appointment of a council, but following the precedent of the bishopric of Durham, Baltimore in his commission to Leonard Calvert, 1637, appointed three men to act in that capacity, who were to inform him from time to time regarding the needs of the province. But no advisory body anywhere else in the English colonies reached anything like the high level of complete identification on the part of the government with the interests of the proprietary family and the proprietary prerogative as did the councils which Cecilius named in 1666 and later years. In 1666 he called eight men to that office, the chancellor, the secretary, the surveyor general; the muster master general, and four others "to be of our private secret and continual council to us and our Leivetenant General and Cheif Governor,"<sup>20</sup> three of whom — the chancellor or the secretary always being one — were to constitute a quorum. Thus a group of three councillors (who not so much at first as later, when family marriages had been suitably arranged, became closely identified with the Calvert clan) was able to exercise almost regal powers. Each bore the title of "Honorable" and all were invested with a dignity and sense of self-importance that was strangely out of keep-

<sup>19</sup> *Ibid.*, III, pp. 49-55.

<sup>20</sup> XV, 7. This council frequently bore the name "Council of State" and "Privy Council," and the councillors were sometimes called "councillors of state" and "privy councillors" (I, 315; V, 42; XVII, 252, and elsewhere).

ing with the primitive conditions of life prevailing along the Chesapeake.

By order of the proprietor the eight councillors, mentioned above, who were themselves always lords of manors, were to be supplemented by seven others, each of whom had to be a manorial lord in order to qualify for the position. These fifteen councillors formed an upper house of assembly, which composed as it was of the "ablest planters" came as near as did an upper house in any colony to being a house of lords. Maryland had something like a local peerage, a privileged class, showing that Cecilius, relieved of his troubles of the past and once more basking in the sunshine of the royal favor, was interpreting his charter in terms of high prerogative. He even thought of creating class and caste differences "by the wearing of habbits Meddales or otherwise," in order that "some visible distinction and Distinctions" should be drawn between the administrative and judicial officials of the province (the appointment of whom lay entirely in his own hands) and the rest of the people. Acting on the firm conviction that the "County Pallantine of Durham have had liberty to Coine," he proposed in 1661 to set up a mint and obtained a law from the assembly to that effect on the ground that the want of a coinage was the main hindrance to the advancement of the colony "in Trades Manafactors Towns and other things which conduce to the flourishing and happy State thereof." \*

\* Andrews, *The Colonial Period of American History*, vol. II, pp. 328-9.

## OLD MARYLAND MANORS

By JOHN JOHNSON

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A striking contrast between the North and the South is presented by the small landholdings of the former and the great estates of the latter. Tracts of thousands of acres were not at all uncommon in colonial Maryland, and sometimes land-grants included even tens of thousands. These great estates had a strong shaping influence on the life of early Maryland. Separating their owners by wide intervals, they prevented that association of interests and feelings that was strong in the towns of the northern colonies. The man who lived in the center of a tract of ten thousand acres must necessarily have been thrown largely upon his own resources for amusement and for culture. The coöperation which makes schools and libraries of easy attainment in a thickly settled community was absent among such people. Consequently education could be obtained only at great cost and inconvenience. The planter who was determined to have his children well taught had to send them abroad, as was done in the case of Charles Carroll of Carrollton.

There were some towns founded in Maryland, it is true, in the earliest days. The vanished city of St. Mary's, the lost Joppa, and others that have disappeared as completely as the "cities of the plain," furnished a stimulus to civilization in some parts of the colony. But in spite of these instances, it is true that most of the life of Maryland in the latter half of the seventeenth and the whole of the eighteenth century, was country life. And it was a country life that presented many analogies to the country life of Englishmen during the same period.

The first generation of Maryland planters led that sort of hand-to-mouth, happy-go-lucky existence that marked the beginning of all the colonies. Until means became adapted to ends, but little comfort and still less culture, were to be found. Many of the earliest settlers of high consideration made their cross-mark on titles, deeds and conveyances. Their ignorance, however, was the knowledge of the class from which the best born of them sprang — the English country gentry of the seventeenth century.

<sup>1</sup> Reproduced here by kind permission of Johns Hopkins Press.

The share of Maryland planters in the conveniences of life does not appear to have been large at first, though even then they made an attempt at good living. In the inventory accompanying the will of Governor Leonard Calvert, the item of a silver sack-cup follows that of two pairs of socks. Sack probably occupied far more personal attention than did wearing apparel. Indeed, one of our historians ventures the statement that this potent liquor is oftener mentioned in the records of Maryland than in the pages of Shakespeare. Beds in the early days were lamentably lacking. Travellers either deprived the host of his, or slept upon deer skins or fodder piled upon the floor. All the appointments of a household were necessarily meagre.

But after this early period had passed and Marylanders had learned for good and all of what their soil and their climate were capable, a settled order of things began, which continued into the present century. The life of the Maryland planter of this second period was such as left few traces in the written accounts that have come down to us. In the few letters and journals of the colonial epoch — few, because so rarely the colonists had the knowledge, and more rarely still the taste to write either letters or journals — in these few are to be found historical suggestions. Of the famous estates of the colonial era, a small number are still in the hands of the descendants of colonial families. An idea of the former condition of things can be obtained by visiting these localities. There are still found the ancient houses, the chapels, the out-buildings, that have remained from colonial times. There, more clearly than elsewhere, we may see the vestiges of the old aristocratic spirit which has almost disappeared under the democratic attrition of more than a century. These traces will not last much longer, and if any record of this old system is to be kept, it should be made at once.

The Calverts desired to found in Maryland a new landed aristocracy. Though the "Bill for Baronies" never passed the Assembly, the Proprietor was able to establish manors, and to give to the manorial lords rights of jurisdiction over their tenants. The lord of the manor thus became a person of prime importance. While his wealth as a large landholder gave him one element of consideration, his judicial dignity gave him another.

The reason the settlers consented to the introduction of this system is not hard to find. Our Maryland ancestors, following the example of certain great proprietors, proposed to live in scattered, rural ways, on large estates. The manorial system, which had been used for a like purpose in the old country, lay ready to their hands and they adopted it. Similarly, the men of New England, proposing to live in close communities, adopted the township system. Once

taken up, the manorial system became general, so that English manors, English halls, English lords of the manor were scattered all over our State.

In accordance with his charter right,<sup>2</sup> the Proprietary, in 1636, issued instructions that every two thousand acres given to any adventurer should be erected into a manor, with "a Court Barron and a Court Leet, to be from time to time held within every such manor respectively."<sup>3</sup> These instructions were repeated many times, and the records are filled with such grants. Capt. George Evelin, Lord of the Manor of Evelinton, in St. Mary's county; Marmaduke Til-  
den, Lord of Great Oak Manor, and Major James Ringgold, Lord of the Manor on Eastern Neck, both in Kent; Giles Brent, Lord of Kent Fort, on Kent Island; George Talbot, of Susquehanna Manor, in Cecil county; these are a few names picked at random. In the Library of the Maryland Historical Society is to be found a conveyance dated 1734 for a parcel of land to be held "as of the Manor of Nanticoke." In the same collection are preserved the rent-roll of Queen Anne's Manor, and a statement of the sale, in 1767, of twenty-seven manors, embracing one hundred thousand acres. In 1776, there were still unsold seventy thousand acres of proprietary manors lying in nine counties.<sup>4</sup> In the Maryland Reports<sup>5</sup> is to be found a notable law suit over Anne Arundel Manor. The Proprietor, Lord Frederick Calvert, sought by means of a common recovery to break the entail upon the manor, and thus prevent its passing into the hands of a natural son of the former Proprietor.

At the present day we find many estates called manors. Those that have attracted most notice are My Lady's Manor and Bohemia Manor. At the beautiful and historic seat of the Hon. John Lee Carroll, Doughoregan Manor, the name, the mansion, the chapel, the grounds, all still show surviving evidence of the original state of affairs. But it is with the social side of this system that we are here concerned. Its civic aspect will be treated in a subsequent part of this paper. It is, however, rather the patriarchal than the feudal type of society that is presented at the period we have materials for describing. It is not easy to picture the combined elegance and simplicity of those old homesteads — the appearance they presented of aristocratic state mingled with republican goodfellowship. The entrance to the place was, perhaps, through a wood of old oaks and chestnuts, that had passed their sapling growth a century before George Calvert, first Baron of Baltimore, appeared as a stripling in

<sup>2</sup> See Charter of Maryland, Art. 19.

<sup>3</sup> Kilty, p. 31. *Conditions of Plantation*, 1636.

<sup>4</sup> Scharf II., p. 104.

<sup>5</sup> 2 Harris & McHenry, p. 279.

the English Court. Emerging from the wood, the road was lined with a double colonnade of locusts or beeches with footpaths between. Nearing the mansion, pines and firs replaced the deciduous trees, and the evergreen branches formed a symbol of the ever fresh hospitality awaiting the approaching guest.

Before the door stood the old elms, planted by the founder of the family, and the lawn was terraced in the English style. The turf — a peculiar pride of the master of the house — was so thick and close that it would be hard to find a finger's breadth of earth without its blade of grass. Conifers stood at intervals over the half dozen acres forming the lawn, and at either end of a terrace a catalpa with a trunk of Californian proportions shaded a rustic seat.

The house itself was in most cases a long, low structure of brick. The finest residences were remarkable for their large size and striking appearance.<sup>6</sup> The rooms of the old houses were grouped about a large hall-way in which some of the family usually sat. The walls everywhere were wainscotted to the ceiling. Sometimes the wood-work was finely carved and of rare material. Upon the walls hung the portraits of the ancestors of the family, often as far back as six or seven generations. A side-board in the dining-room displayed a portion of the plate, bearing the family crest. Flanking the plate stood a great array of glasses and decanters. For in the early days the proper discharge of the sacred duty of hospitality involved various strong potations. Even now the visitor to the Maryland country house is almost always invited to take something to drink on entering or leaving the dwelling.

Various offices stood around the mansion. Notable among them was the stone smoke-house. The quarters of mast-fed hogs hung from the roof, and the fires in the pit below were tended by superannuated negroes, their faces greasy with lard and begrimed with soot beyond their natural blackness.

In some places the family chapel stood close by the house. On one side of the main aisle sat the slaves, on the other the free white tenants; and no considerations of comfort could induce the freemen to cross the interval that served as a boundary between them and the despised race. Beneath the brick floor of the chapel and marked by a marble slab, were the graves of dead members of the family of the lord of the manor. Any one attaining special distinction was buried by the side of the chancel and, within the chancel rails, let into the wall was a tablet to his memory. If the family belonged to the ancient church, frescoes and oil paintings, occasionally copies of considerable beauty, adorned the place.

The mode of burial curiously illustrated the prevalent feeling of

<sup>6</sup> Eddis's Letters.

class distinction, and at the same time preserved an ancient custom of the mother country. While the lord's family lay buried beneath the floor in the chapel, the tenants' graves were at a distance hidden among the trees. At some of these graves stood a neat slab of stone with a pious inscription. Still farther removed, with only a board as a memorial of each, were the graves of the slaves. Not even death could unite what God had put asunder.

At a considerable distance from the great house was the dwelling of the overseer. Around him in numbers sufficient to people a small town, lived the negroes whose labor produced the wheat and tobacco upon which the fabric of society rested. Out of the number of these dependents a few of the likeliest went to the mansion as domestic servants.

Scattered at intervals over the estate, wherever their farms lay, were the houses of the free white tenants. The tenant farms were frequently several hundred acres in extent, and were held on leases of twenty-one years. The rent was low and was usually paid in kind, *not* in money. The system had some of the evils incident to English land tenure of the present day, and has now given way to short leases, or has disappeared entirely by the breaking up of the estates on which it was practised.

In various ways on these estates the traditional sports of the mother country were kept up. One of the patriarchs of colonial Maryland, when importuned by his relatives to break the entail upon his estate, replied: "If one of you inherit the whole, I shall be responsible for the production of one fox-hunter. If I divide it, I shall make as many fox-hunters as I make heirs." Fox-hunting was a pursuit in which Marylanders delighted. In no characteristic is the Englishry of the settlers (to use Mr. Freeman's term) more clearly shown than in this. On horses that seemed almost tireless, and with dogs like the horses, they sometimes chased Reynard across the eastern peninsula, from the Chesapeake to the Atlantic. The return journey and the stops at hospitable mansions on the way took more time than the pursuit of the fox, and the whole expedition sometimes lasted a week.

Aside from the social aspect of these old estates, they are also worthy of notice from a civic point of view. The history of Maryland owes its interest not so much to striking events as to the continuity of old English institutions and ancient habits of local self-government. When the early colonists came to Maryland they invented no administrative or judicial methods. The old institutions of England were transplanted to Maryland and acclimatized. In the new soil they were modified and destroyed, or they were modified and perpetuated. But in either case there is perfect continuity

between the institutions of colonial Maryland and those of the older country. For our new institutions, like new species, were not created; they grew from the old. Lord Baltimore modeled his colony after the Palatinate of Durham, and the details of local administration were what they had been at home. Old methods were adapted to new conditions.

The manor was the land on which the lord and his tenants lived, and bound up with the land were also the rights of government which the lord possessed over the tenants, and they over one another. For the ownership of the manorial estate carried with it the right to hold two courts, in which disputes could be decided and tenant titles established and recorded; and in which, also, residents on the estate exercised a limited legislative power. These manorial jurisdictions have descended from a time previous to the accession of Edward the Confessor, and their reproduction and continuance in Maryland form a striking instance of the permanence of ancient English customs.

A tradition has come down in Maryland that these courts were held occasionally by members of the Proprietary family owning manors.<sup>7</sup> In a court baron, held on St. Gabriel's Manor, in 1649, the steward gave a tenant seizin by the rod, each party, according to ancient custom, retaining as evidence of the transfer a part of a twig broken in the ceremony.<sup>8</sup> In the library of the Maryland Historical Society are preserved the records of a court baron and a court leet of St. Clement's Manor, in St. Mary's county, held at intervals between 1659 and 1672. We can hardly believe that these records are the only ones of their kind that were kept in the Province. For a single one that has been preserved there must have been many lost. When we consider that so many documents belonging to the government of the colony, and for whose preservation great precautions were once taken, have nevertheless been destroyed, it will appear but natural that papers left entirely in private hands, and of but little value or interest to their possessors should have entirely disappeared. Moreover, as will presently be shown in detail, the profits of the manorial courts were not inconsiderable. Consequently, they would not soon be relinquished. Nor is it likely, where every owner of two thousand acres could obtain these rights of jurisdiction, that only two persons in the whole Province would exercise them. It seems probable that in the early period of the existence of the colony manorial courts were not uncommon.

The popular court of the manor was the court leet or court of the

<sup>7</sup> Kilty, p. 93.

<sup>8</sup> Bozman, vol. 2, note, p. 372. The same old English custom obtained in early New England.

people. When the grant of the leet included the view of frankpledge, as in the Maryland manors, that ceremony took place at the leet, though in the records no mention of the view is made. At the opening of the leet, the steward, who was the judge, having taken his place, the bailiff made proclamation with three "Oyez," and commanded all to draw near and answer to their names upon "pain and perill." Then followed the empanelling of a jury from the assembled residents on the manor, all of whom between the ages of twelve years and sixty were required to be present. The duties of a leet jury seem to have been those of both grand and petty jurors. All felonies and lesser offenses were enquirable. The statute, 18 Edw. II., names the following persons as proper to be investigated at a leet:

"Such as have double measure and buy by the great and sell by the less. . . . Such as haunt taverns and no man knoweth whereon they do live. . . . Such as sleep by day and watch by night, and fare well and have nothing,—" a set that need watching. The leet had also a general supervision of trade, fixed the price of bread and ale, and set its hands on butchers that sold "corrupt victual." The game laws also were enforced by the leet. At the leet held at St. Clement's, in St. Mary's county, Robert Cooper was fined for fowling without license on St. Clement's Island. The notion that hunting was for the rich alone showed itself in another way. Of the chase or park of the English manors, some traces may be found in Maryland. A writer in "A Description of the Province of New Albion," which adjoined Maryland on the east, speaks of "storing his Parks with Elks and fallow Deer," probably following a Maryland example. On the Bohemia Manor, the remains of the walls of a deer park were pointed out as late as 1859.<sup>9</sup> That any necessity existed for a park is not to be believed. Venison was so common a food that Hammond, in *Leah and Rachel*, says "that venison is accounted a tiresome meat." An aping of aristocratic manners may, perhaps, have induced some of the settlers to enclose a wood for a park, but nothing else could have done so.

Another important function of the court leet was the levying of a deodand or fine upon the cause of any accident to life or limb. A reckless driver running over a child or a careless woodman felling a tree and killing a passer-by, was mulcted by the jury of the leet. Before the period of Maryland manors, the cart or the tree causing the injury became the property of the lord, the idea being that he would expend its value in masses for the soul of the deceased. In this is probably to be found the origin of the name given to the

<sup>9</sup> Scharf, vol. 1, p. 430.

payment, deodand.<sup>10</sup> In actual fact, however, the soul of the departed was not of sufficient importance in the eyes of most lords to compel the loss of a piece of property so easily acquired as the forfeited article.

The leet could enact by-laws regulating the intercourse of residents with each other, and the regulations had all the force of a town ordinance. In the leet also constables, ale-tasters, affeerors and bailiffs were elected; and interference with the exercise of their duties, as breaking into the pound, taking away impounded cattle, or resisting distraint for rent was punishable by the leet.<sup>11</sup> The fines imposed went to the lord and were often profitable. Besides fines, other punishments were used. In 1670 the jury of St. Clement's leet ordered the erection of "a pair of Stocks, pillory and Ducking Stoole."<sup>12</sup>

The presence of irresponsible strangers seems to have been peculiarly distasteful to our ancestors. By a law of Edward the Confessor, a man was forbidden to entertain a stranger above two nights unless he would hold his guest to right. So the constable on the manor anciently took security of all heads of families for the keeping of the peace by strangers in their houses. Curiously enough, the leet at St. Clement's presented John Mansell for "entertayning Benjamin Hamon & Cybil, his wife, Inmates," and ordered him "to remove his inmates or give security;" a proceeding that would have been in perfect keeping a thousand years ago.

The Maryland county justices were required to appoint constables in every hundred, who swore on taking office to "levy hue and cry and cause" refractory criminals to be taken.<sup>13</sup> The hue and cry carries us back to remote Anglo-Saxon times, when all the population went to hunt the thief. The duties of the manorial constable were doubtless the same in the manor as those of the constables of the hundred in their districts.

The affeerors, mentioned above, were sworn officers chosen from the residents. Their duty was to revise the fines imposed by the leet jury, and to temper justice with mercy. They are mentioned

<sup>10</sup> See interesting remarks on this topic in lectures on the Common Law by Oliver Wendell Holmes, Jr.

<sup>11</sup> Manorial courts are still held in some parts of Great Britain. In *Notes and Queries*, October 21, 1882, it is stated that on October 3, 1882, a court leet for the manors of Williton Regis, Williton Hadley and West Fulford was held. Appointments of inspectors of weights and measures, of bailiff, and of hayward were made. The leet for the town of Watchit was held also, and appointed a portreeve, ale-tasters, a crier, a stock driver and an inspector. Leets were also held the same month on the estates of the Duke of Buccleugh. (*N. & Q.*, November 4, 1882.)

<sup>12</sup> See Appendix.

<sup>13</sup> Parks, Laws of Maryland 1708, p. 99.

several times in the records of St. Clement's, in one case reducing to two hundred pounds an amercement of two thousand pounds of tobacco imposed on a certain Gardiner, who had taken wild hogs belonging to the lord.

The Maryland Indians were very early reduced to a dependent condition, and it became the duty of the leet to include them in its police jurisdiction.<sup>14</sup> There is an account in the St. Clement records of the fining of two Indian boys for some thievish pranks. Moreover, "the King of Chaptico" himself is presented for stealing a sow and her pigs and having "raised a stock of them." This was apparently too weighty a matter for the simple jury of the tenants, so it was referred to "ye honble, ye Govr." The matter of losing hogs seems to have been a great grievance for the tenants, and the jury accordingly reported that they "conceive that Indians ought not to keepe hoggs, for under pretence of them they may destroy all ye hoggs belonging to the man<sup>r</sup>, and therefore they ought to be warned now to destroy them, else to be fyned att the next court." The conquered Britons were treated in a spirit almost as liberal.

The elasticity of an old institution like the leet in being thus adapted to the government of savages is worthy of note. It is a striking illustration, also, of the principle that impels men to adapt old forms to new conditions, and it deserves to be placed by the side of the institution of tithing men among the Indians of Plymouth.<sup>15</sup> Doubtless other methods of police and government for the Indians were adopted in various places by the colonists, and curious survivals of old forms like the above might be noted by the investigator.

In the court baron of the freeholders the freehold tenants acted as both jury and judges. A freeholder could be tried only before his peers. So that if the freeholders fell below two in number the court could no longer be held. Before this court were brought points in dispute between the lord and his tenants as to rents, forfeitures, escheats, trespass and the like. Besides these matters, actions of debt between tenants and transfers of land took place in the court baron. Here, also the tenant did fealty for his land, swearing,<sup>16</sup> "Hear you, my lord, that I, A. B., shall be to you both true and faithful, and shall owe my Fidelity to you for the Land I hold of you, and lawfully shall do and perform such Customs and Services as my Duty is to you, at the terms assigned, so help me God and all his saints."<sup>17</sup>

<sup>14</sup> See Appendix.

<sup>15</sup> "Studies," IV. Saxon Tithingmen in America, p. 10.

<sup>16</sup> Gurdon, p. 615.

<sup>17</sup> The origin of manorial courts is very obscure and goes back to an early period. Among the Anglo-Saxons, as early, perhaps, as the eighth century, conquest, purchase, grant and commendation had given rise to great estates. By this

means all the arable land in some neighborhoods became the property of a wealthy lord. Consequently, the hitherto independent village community of owners of arable land became a dependent community of tenants. At the same time hunting, fishing, pasture, wood cutting, all the rights to the use of common wild land, rights that had formerly run with the ownership of a share of arable land, became rights of the lord, to be exercised and enjoyed by the tenant only by the sufferance of the lord. Thus, it appears, originated the title of the lord to the waste and to the game inhabiting it.

Contemporaneously with these agrarian changes went on as great a judicial change. Among the Anglo-Saxons jurisdiction belonged to the state, not to the king. But jurisdiction and the profits of jurisdiction were separate. While justice was a public trust, the profits of justice were merely a source of royal revenue. So it came about, as early as the ninth century, that the fines of the hundred courts, fines for which every offence might be commuted, were often granted by the king to any neighboring magnate. This grant of profits was very different from a grant of jurisdiction. The date at which private jurisdiction originated is unknown. The earliest grants of it date from the reign of Edward the Confessor, but private courts existed before his time. Though he and his Norman advisers were the first to regard jurisdiction as royal property, to be granted away, a revolution had already taken place in the customs of the people, who had abandoned the ancient judicial system, for the loose administration of the popular courts no longer satisfied the needs of an advancing civilization.

So clumsy and slow was the machinery of the hundred court that suits were almost always compromised. A favorite method of settlement was arbitration. The most natural arbitrator between tenants was the lord, and only a contract between the parties was needed to give him the powers of the hundred court. While the lord's decision was binding in law only as the result of a contract, yet his private authority among his tenants was great enough to enforce the settlement. Here, then, seems to be an origin, and a Saxon origin, for the jurisdiction of a manorial lord.

So much for the origin of private jurisdiction in general. An explanation of the specific origin of the three courts, the leet, the common law court baron and the customary court baron, brings us to a controversy. Professor Stubbs, on the authority of Ordericus, derives the courts of the manor from the tun-gemot. (*Hist. I.*, p. 399) Henry Adams denies the existence of the tun-gemot (*Essays in A. S. Law*, p. 22), and derives both the court baron and the court leet from the hundred court. As to the customary court he is silent. Professor W. F. Allen has still a third view, the court baron, according to him, being of feudal origin, and not being found earlier than the end of the eleventh century. He makes the non-existent tun-gemot of Professor Adams the germ of the customary court. All these views are so ably supported that it would be highly desirable to reconcile them, though it is probably impossible.

Adams appears to have proved that all manorial jurisdiction was originally obtained by the lords' assuming the powers of the hundred court. This may have been done by prescription, the tenants agreeing, or perhaps by actual royal grant of jurisdiction following on grants of profits.

But Allen's conclusions have a direct bearing here. He maintains, with great force, that the freeholders, the suitors and judges of the court baron, took their rise in the feudal period. No freeholders, in our sense, are to be found, he says, earlier than the end of the twelfth century. He thinks that in the interval between Domesday and this period, certain of the members of the class of villeins were advanced to the dignity of freeholders, while all the other original holders lost their earlier rights and fell into copyhold tenure. The court baron was established on a French model for the use of these promoted tenants. The Saxon manorial court, which Allen derives from the court of the township, and Adams from the hundred court, became the customary court of the copyholders. As they had fallen in status, so did it, and all important business of the estate was transacted in the court baron or the court leet. (See Allen's *Origin of Freeholders in Proceedings of the Wisconsin Academy.*)

Some of the feudal incidents of the manorial tenure may be found mentioned in the records of the Maryland Land Office. Here is an example quoted in the *Land-holder's Assistant*:<sup>18</sup> "Whereas certain lands and tenements holding of the manors hereunder named have ceased for these three years last past to pay the rent due. . . . These are therefore to summon the said several tenants to pay the said rent and arrears and charges of this process unto the lord of the manor . . . or else to be at the court . . . to show cause why the said land should not escheat to the Lord of the Manor. . . . In the Manor of St. Michaels: One tenement of 100 acres . . . yearly rent 2 barrels of corn and 2 capons—arrear, 3 years. . . ." In the manors of St. Gabriel and Trinity like claims were made. These are apparently the only instances on record of claims to escheats by manor lords. "At a court held at St. Mairies, 7th December, 1648, came Mrs. Margaret Brent and required the opinion of the court concerning . . . the tenements appertaining to the rebels within his Manors, whether or no their forfeitures belonged to the Lord of the Manors. The resolution of the court was that the said forfeitures did of right belong to the Lord of the Manors by virtue of his Lordship's Conditions of Plantation. . . ."<sup>19</sup> While this interests us as the record of a feudal forfeiture in Maryland, it has an added attraction, due to the fact that this is probably the first mention of a female attorney. Another fact showing how the manorial tenure entered into the life of the people, is a decision of the Maryland Court of Appeals, made as late as 1835. In this case<sup>20</sup> it was held that a tenant on a manor was entitled on giving up his lease to the benefit of those manorial customs that were commonly recognized as good by the tenants, and that had been observed by the tenants during an indefinite time.

The manorial grants were originally used to promote emigration to the colony. To this purpose was soon added another, namely, that of military defence. It seems to have been the desire of the Proprietor to introduce a body of cultivators that could at any time be turned into militia. Accordingly, in 1641, he issued the following "Conditions of Plantion:" "Whatsoever person . . . shall be at the charge to transport into the Province . . . any number of able men . . . provided and furnished with arms and ammunition according to a particular hereunder exprest . . . , shall be granted unto every such adventurer for every twenty persons he shall so transport . . . two thousand acres . . . which said land shall be erected into a Mannor . . . with all such Royalties and Privileges as are usually belonging to Mannors in England. . . .

<sup>18</sup> Kilty, p. 103.

<sup>19</sup> Quoted by Kilty, p. 104.

<sup>20</sup> Dorsey vs. Eagle, 7 Gill and Johnson, 321.

"A particular of such arms and ammunition . . . for every man . . . which shall be transported thither.

"*Imprimis* — One Musket or Bastard-Musket with a snap-hance Lock.

"*Item* — Ten pound of Powder.

"*Item* — Fourty pound of lead — Bulletts, Pistoll and Goose Shot, each sort some.

"*Item* — One Sword and Belt.

"*Item* — One Bandelier and Flask."

Such legislation bears an analogy to the Assize of Arms, under Henry I, and to parts of the Statute of Winchester, under Edward I. The idea of military defence by the mass of the people is common to these instances of English legislation of the middle ages, and to this regulation of the Maryland Proprietary of the seventeenth century.

In addition to these grants to private persons, manors were given to the Church. Newtown Manor, formerly an estate of the Proprietary, is to this day in the hands of the Jesuits. In Charles and St. Mary's counties, large estates, still bearing the title of manors, are at present owned by that society. All efforts have been unavailing to obtain access to any documents relating to these lands. If search were permitted in the archives of the order, much interesting material might be discovered.

It should not be thought that the aristocratic character of the manor was injurious to the growth of liberal ideas. The manor was a self-governing community. The manor officers were elected by the tenants, and juries were drawn from among the same body. By-laws for their own government were adopted by most voices. So there was ample scope for individuality to show itself. The extinction of the manorial system was probably not due to any democratic feeling of opposition to it as a relic of feudalism, but to another cause. The early introduction of slavery must soon have made it more profitable for the lord to cultivate all his estate than to rent it to tenants, unless the estate were of immense size. The very large estates, however, were quickly sub-divided when population increased. Consequently, the relations which made a manor possible soon ceased to exist. At the same time the necessity for a system of private jurisdiction passed away. The manorial courts were adapted to a state of society in which law-abiding men lived far apart, and surrounded by unquiet neighbors; a society in which bloodshed was frequent and property insecure. In such circumstances it was needful to have in each community a person uniting in himself the influence of wealth and the majesty of law. When higher civilization made violence rare, and when better means of communication made

it easy to reach the public courts, private authority was no longer needed. The feudal society of the manor reverted to the patriarchal society of the plantation. Serfs or slaves now replaced the free tenants of former times. The rights of these *villeins en gros* were entirely at the will of the owner of the estate. Controversies between them never reached the dignity of legal adjudication. Between them and their owners controversy was in the nature of things impossible. Here there was no scope for manorial courts. Controversies between master and master went, as before, to a public tribunal. The court baron and the court leet, having served their turn, were cast aside. If they played no great part in the history of the State, they are interesting as an extinct species, an institutional fossil, connecting the life of the present with the life of the past.

#### EDITORIAL NOTES.

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The historical significance of the St. Clement records is that they prove incontestably the existence of a Court Leet in Maryland. These Records are the first of their kind that have been utilized by students of Maryland History. McMahon does not appear to have noticed any such Records. Bozman, in his History of Maryland, vol. ii, 39, says, "although the power and right of holding courts-baron and courts-leet might have been inserted in some or all of those grants of manors, yet we are told from *good authority*, that no memorial appears on the records of the province, of any practical use of either of those kinds of courts." Scharf, i, 123, quotes this passage as final.\* The "good authority" upon whom Bozman relied was Kilty, who, in his Land-Holder's Assistant, 93, says, "no memorial appears on record" of the practical use of the privileges of Court Baron and Court Leet in those "inferior Manors" erected by the Conditions of Plantation, issued in 1636. But Kilty, as quoted by Bozman in the above passage, was not speaking of all manors, but only of those which assumed the name. Upon the very same page, 93, Kilty states that in some manors, namely, in those erected by special order of the Proprietary, "and more especially in those held by the Proprietary in his own name, it is understood that the privileges attached to them were actually exercised." But even Kilty mentions no concrete examples or existing records, of a Court Baron and a Court Leet.

Bozman, however, after having unfortunately quoted Kilty in such a partial way as to lead to the now current notion that there never was any case of Court Leet in Maryland, appears to have come upon certain indications of the existence of such an institution. He says in a foot note to page 39, "But I find in the Council Proceedings from 1636 to 1657, p. 23, a commission there recorded, for holding a court-leet in the isle of Kent directed 'to Robert Philpot, William Cox, Thomas Allen, of the isle of Kent, gentlemen, to be justices of the peace within the said island, to hold a court-leet in all civil actions not exceeding 1200 lbs. tobacco; and to hear and determine all offences criminal, within the said island, which may be determined by any justice of the peace in England, not extending to the loss of life or member. Given at St. Mary's, February 9th, 1637. Witness, Leonard Calvert.' As proceedings," continues Bozman, "most probably took place under this commission, there must, of consequence, have been some writ-

\* The existence of manorial courts in Maryland is, however, recognized by Scharf in a later volume, ii, 50.

ten memorials of those proceedings once existing, though probably now lost. As the business of Courts-leet in England has long been gradually absorbed by the courts of quarter sessions for the shire or county, so with us, it is probable, that if any courts-leet or courts-baron were ever held in the province, the county-courts, at a very early period, swallowed up their jurisdictions. To trace these transfers of judicial power, would at this day be unnecessary, if it were a possible task, except it be to throw some light on the history of those times."

If a Court Leet was actually instituted upon Kent Island, then it was probably one of the oldest authorized local courts in Maryland, for the first county court in this province was not opened until about the middle of February, 1638, judicial power having been hitherto retained by the governor and his council and the General Assembly of Freemen, or the Colonial Parliament. Authority, however, to hold a local court in Kent Island had been granted to Captain George Evelyn on the 30th of December, 1637. He was authorized "to elect and choose six of the inhabitants of Kent for his council,"—a local court of *seven men*. Bozman states in his Notes and Illustrations, 580, that the Court Leet, that was authorized the following year but soon superceded by the "Commander" [High Constable, cf. Bozman, ii, 138] of Kent, was more like a county court than a manorial court. "The court held under the commission before stated [Bozman, ii, 39] 'to certain justices of the peace on the isle of Kent to hold a court leet' there, seems to have partaken more of the nature of what was subsequently called a county court, than a court pertaining to a manor; and 'the manor of Kent fort,' the only manor ever erected on the isle of Kent, was not then granted." The conclusion, then, is by Bozman, as regards the Kent Island case, that it was no Court Leet at all, in the technical sense of the term.

But Bozman thereupon, in his Notes and Illustrations, ii, 581, begins to approach the real truth touching the actual existence of manorial courts, a truth which Mr. John Johnson has only elucidated in its fulness in the foregoing monograph. "However, it does appear," says Mr. Bozman, "that at subsequent periods of time, one or two rare instances occurred of the holding both courts baron and courts leet in two distinct manors. 'A court baron was held at the manor of St. Gabriel, on the 7th of March, 1656, by the steward of the lady of the manor, when one Martin Kirke took of the lady of the manor in full court, by delivery of the said steward, by the rod, according to the custom of the said manor, one messuage, having done fealty to the lady, was thereby admitted tenant' (MS. Extracts from the records). "This," continues Bozman, "seems to have been conformable to the ancient practice of courts baron in England, on the admission of any tenant of a manor. The steward thereof, taking hold of one end of a rod and the tenant of the other, the former repeats to him: 'The lord of this manor by me his steward doth deliver you seisin by the rod, and admit you tenant to the premises,' &c. (See the Practice of Courts Leet and Courts Baron, by Chief Justice Scroggs)." Here, then, is instanced by Bozman himself a concrete case of a manorial court, the records of which Mr. Bozman appears to have seen.

But now follows mention of a Court Leet upon the identical manor, the records of which Mr. Bozman had not seen but which are now first published. Bozman came upon the traces of manorial courts at St. Clement's, not from local records, but from public records. He says, ii, 581: "Also, in October, 1661, Thomas Gerrard petitioned to the provincial court, stating, that at a court leet and court baron, held for the manor of St. Clement's, on the 27th of October, 1659, Robert Cole was fined, for marking one of the Lord of the manor's hogs, and prayed to have satisfaction for the unlawful marking and killing such hog,

as the laws of the province provided.\* The grant of this manor, which lay in St. Mary's county, was made to Thomas Gerrard in the year 1639, and appears to be one of the oldest grants of a manor now extant on the records of the province. It contained a clause of power to Thomas Gerrard to hold a court baron and court leet. The last mentioned case, which occurred in this manor, seems to have been one of those petty misdemeanors, which would have been properly cognizable by a court leet in England; but, as the lord of a manor could not judge in his own case, for a trespass to himself, (See 2 Bacon's Abridgement, 505.) this principle probably occasions his application, as above, to the provincial court."

The local Records of the Manor of St. Clement's, herewith published, indicate that a Court Leet was there held for at least a considerable period, namely from 1659 to 1672. The Records are defective and may originally have covered a much longer time. The manuscript is well preserved, what there is of it, and is written in the quaint old English hand, characteristic of English clerks of the seventeenth century wherever found, whether among the Pilgrim Fathers or among the Pilgrims of St. Mary's. The manuscript was presented to the Maryland Historical Society many years ago by a Catholic gentleman, Colonel B. U. Campbell, who died April 28, 1855, aged sixty, and who was buried with great honors, after a celebration of High Mass in the Cathedral, in the presence of the Archbishop and "all the Roman Catholic clergy" (See contemporary newspaper accounts, e. g. *The American*, May 1, 1855). Colonel Campbell was a partner in the Baltimore branch of the well known English bankers, Brown and Company of London, and he is spoken of in the resolutions of the Maryland Historical Society, May 3, 1855, as "one of its earliest and most valuable members." The manuscript Records of the Catholic Manor of St. Clement's, presented to the Society by Colonel Campbell, together with other documents relating to the History of Maryland, is preserved in Portfolio No. 6, Document I, and is described in the Catalogue of the Manuscripts of the Society, printed in 1854, under the supervision of Lewis Mayer, Esq., assistant librarian, as "Manuscript Records of Courts Baron and Courts Leet, held in St. Clement's Manor, at several times, from 1659 to 1672, folio." Mr. Gatchell, the present assistant librarian of the Society, has put the Editor in possession of these facts touching the original record of St. Clement's and concerning Mr. B. U. Campbell, who presented them to the Society.

The existence of these Records was, in fact, well known to gentlemen who are familiar with the library resources of the Maryland Historical Society, but Mr. Johnson is the first to make known the historical significance of Court Leet in Maryland. Not until his inquiries touching the origin and character of Old Maryland Manors were well advanced did he obtain knowledge of the existence of these Records. His inquiries of Mr. George Johnston, author of the History of Cecil County, as to the possible survival of the old English Court Leet upon Maryland Manors led that gentleman to a conference with Mr. J. W. M. Lee, librarian of the Maryland Historical Society and to the examination of the long catalogued but never utilized Records of the Manor of St. Clement's. Mr. Lee kindly undertook the task of making an exact transcript of the Records and thanks are due to him for supervising their accurate reproduction by the printer.

The survival upon one of the Maryland Manors, of a Court Leet (German *Leute*, people), or that old English popular court of manorial tenants, is interesting and important as showing the continuity in *Terra Mariae* of that ancient Germanic institution of village *folcmote*, which has evolved into modern Parish and Vestry-Meetings, and also into Town-Meetings and City Councils.

\* The above is not the exact text of Gerrard's petition, but conveys its substance. H.B.A.

The Editor of this series takes great pleasure in publishing the following note touching Cooke's Hope Manor in Talbot County, communicated by the eminent antiquary and local historian, Dr. Samuel A. Harrison, of Easton, Maryland. "A Manor of one thousand acres granted to Miles Cooke by patent dated Jan 17th 1659, under the great seal of Cæcilius, Lord Baltimore, lying north of Great Choptank river, on the north side of the east branch of a creek of the said river called Tredavon. This manor is mentioned in a deed from Mr. Saml. Cooke, through his attorneys, to Mr. John Edmondson, dated Apr. 17th 1683. The following is an extract from this deed of the attorneys of S. C. to J. E. recorded in Liber No. 4, p. 195, of the Land Records of Talbot County, Maryland.

" . . . Containing and Laid out for One thousand Acres (more or less) together with all Royalties & Priviledges (Royal mines excepted) most usually belonging to Mannors in England, to have and to hold ye same unto him ye sd Miles Cooke his heirs and assigns for ever to be holden as of ye Honour [?] of St. Marey's in free and Comon Soccage by fealty only for all services under ye yearly rent of Twentie [? Seventie] Shillings Sterling in silver or Gold or ye full value thereof in such comodaties as ye sd Lord Proprietary or his heirs should accept thereof, and ye sd Lord Proprietary did by his Letters Pattent Erect ye sd Thousand Acres into a Mannor by ye name of ye Mannor of Cookes Hope Together with Court Baron and all things thereunto Belonging by ye Law or Custome of England, as by ye sd Letters Pattents Relation thereunto had doth and may more at large appeare."

The following note upon manorial Tithingman in Maryland is thought by the Editor to be of sufficient interest to justify its reprint from Bozman, ii, 138, who quotes it from the manuscript Bill of 1638, folio 21. The motto relating to Tithingmen, printed upon the reverse of the bastard-title of this paper, was taken from Bacon's printed Laws of Maryland, which only gives the heading of the Bill. The following is an extract from the text: "The lord of every manor within this province, (after any manor shall be erected), shall yearly at the first court baron held after Michaelmas in any year nominate and appoint some inhabitant of the manor, (not being in the council), to be tithing-man of that manor, to have the same power as a tithing-man in England." Bozman adds, "The duties of a tithing-man in England were, at this time, nearly the same as those of a *petty* constable. They were usually chosen by the jury at the court-leet,—a criminal court appertaining to a manor."

#### NOTE ON THOMAS GERRARD, LORD OF ST. CLEMENT'S MANOR.

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Thomas Gerrard, Surgeon, was a brother-in-law of Marmaduke Snow, and came into the province about the year 1638. On the 29th of October, 1639, " Thomas Gerrard Gent. demandeth Land of the Lord Proprietary due him by conditions of Plantation for transporting himself with five able men servants in the years of our Lord 1638 and 1639." The five able men servants were John Longworth, Peter Hayward, Samuel Barrett, Thomas Knight and Robert Brasington. The following day (Oct. 30th) an order was issued to the Surveyor to lay out for Mr. Thomas Gerrard, 1000 acres of land including St. Clement's Island. The land was surveyed Nov. 2, and the Surveyor's report is as follows: " Set forth for Thomas Gerrard Gent. a neck of land lyeing over against St. Clements Island, bounding on the South with Potowmack River, on the north east with a Creek running westward out of St. Clements Bay, called St. Patrick's Creek, on the east with the said Clement's bay, on the northwest with a Creek

running out Mattapanient bay called St. Catherines Creek on the west and south west with part of the said Bay and Potowmack River, the said neck containing in the whole nine hundred and fiftie acres or thereabouts. Likewise set forth for the said Thomas Gerrard, the Island over against the said neck called St. Clements Island, and Containing four score acres or thereabouts.

(Signed) John Lewger Surveyor."

On the following day (Nov. 3), a patent was issued to Thomas Gerrard of the above tract, constituting it a Manor by the name of St. Clement's Manor, and giving him, his heirs and assigns authority to hold Courts Baron and Courts Leet upon the said Manor. Thos. Gerrard was commissioned Privy Councilor September 18, 1644, and being several times reappointed, held this position until 1658. He himself was a Roman Catholic, but his wife, Susan, was a Protestant. (See trial of Fitzherbert, in Davis' Day Star). In 1642 he was accused before the council of disturbing the worship of the Protestant inhabitants by taking away the Key of their Chapel and carrying away their books. He was found guilty and sentenced to pay a fine 500 pounds of tobacco. He was still alive in 1666, and had children. The approximate date of his death and the names of his children could be learned from his will which is no doubt on record at Annapolis.

CHRISTOPHER JOHNSTON, JR., M. A., M. D.

RECORDS\*  
OF THE  
COURT LEET AND COURT BARON  
OF  
ST. CLEMENT'S MANOR,  
1659-72

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ST. CLEMENTS } A Court Leet & Court Baron of Thomas Gerard Esqr. there  
MANOUR } ss held on Thursday the xxviith of October 1659 by Jno. Ryves  
gent Steward there.

CONSTABLE: Richard ffoster Sworne.

RESIANTS: Arthur Delahay: Robte: Cooper: Seth Tinsley: Willm: at Robte Coles:  
Jno: Gee Jno: Green Benjamin Hamon Jno: Mattant.

FFREEHOLDRS: Robte Sly, gent: Willm: Barton gent: Robte Cole: Luke: Gardiner:  
Barthollowew: Phillips Christopher Carnall: Jno: Norman: Jno: Goldsmith.

LEASEHOLDERS Thomas Jackson: Rowland Mace: Jno: Shanks Richard ffoster:  
Samuell Harris: John Mansell: Edward Turner: ffrancis Sutton with: Jno.  
Tennison:

JURY AND HOMAGES }	Jno: Mansell Bartholl: Phillips Jno: Shanks Jno: Gee Edward Turner Seth Tinsley	Sworne	Jno: Tennison Jno: Goldsmith Jno: Mattant Sam: Harris Jno: Norman xōfer Carnall	Sworne
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ORDT AGT SAM: Wee the aboue named Jurors doe prsent to the Court that  
HARRIS wee finde how about the 3d day of octobr 1659 that:

Jmprimis wee prsent that about the third of October 1659 that Samuell Harris  
broke the peace wth a Stick and that there was bloudshed cōmitted by Samuell  
Harris on the body of John Mansell for weh hee is fined 40l tob weh is remitted  
de gratia dni.

Wee doe find that Samuel Harris hath a licence fro' the Gou'nor & wee con-  
ceive him not fitt to bee prsented.

ORDR AGT ROBTE Item wee prsent Robert Cole for marking one of the Lord of  
COLE. the Mannors hoggs for weh hee is fined 2000l Tobco affered to  
1000l.

Item wee prsent Luke Gardyner for catching two wild hoggs & not restouringe  
the one halfe to the Lord of the Mannor weh he ought to haue done & for his  
contempt therein is fined 2000l Tobco affferred to 200l of Tobco.

\* My thanks are due to the Maryland Historical Society for permission to print these records. I am also under obligation to Mr. J. W. M. Lee, Librarian of the Society, for kind and efficient aid in deciphering and transcribing them; and to Mr. Geo. Johnston, of Elkton, for calling my attention to them in the first instance.—J. J.

Item we prsent that Cove Mace about Easter last 1659 came to the house of John Shancks one of the Lord of the Mannors tenants being bloudy & said that Robin Coox & his wife were both vpon him & the said John Shancks desired John Gee to goe wth him to Clove Maces house & when they the sd John Shancks & John Gee came to the said Cloves his house in the night & knocked att the dore asking how they did what they replied then the sd John Shancks & John Gee haue forgotten But the sd John Shancks asked her to come to her husband & shee replied that hee had abused Robin & her and the said John Shancks gott her consent to come the next morning & Robin vp to bee freinds wth her husband & as John Shancks taketh shee fell downe on her knees to bee freinds wth her sd husband but hee would not bee freinds wth her but the next night following they were freinds and Bartholomew Phillipps saith that shee related before that her husband threatened to beate her & said if hee did shee would cutt his throat or poysen him or make him away & said if ever Jo: Hart should come in agayne shee would gett John to bee revenged on him & beate him & hee heared the said William Asiter say tht shee dranke healths to the Confusion of her husband said shee would shooe her horse round & hee the said Bartholomew Phillips heard the said Robin say if ever hee left the house Cloves should never goe wth a whole face. It is ordered that this business bee transferred to the next County Cort according to Law.

Also wee present John Mansell fore entertainyng Beniamyn Hamon & Cybill his wife as Jnmates. It is therefore ordered that the sd Mansell doe either remove his Jnmate or give security to save the pish [parish] harmlesse by the next Cort vnder payne of 1000l Tobcor.

Also wee prsent Samuell Harris for the same and the same order is on him that is on John Mansell.

Also wee present the Freeholders that have made default in their appearing to forfeit 100l Tobco apeice.

Wee doe further prsent that our Bounds are at this present unpfect & very obscure. Wherefore wth the consent of the Lord of the Mannor Wee doe order that every mans land shall bee bounded marked and layed out betweene this & the next Cort by the prsent Jury wth the assistance of the Lord vpon payne of 200l Tob'coe for every man that shall make default.

ST. CLEMENTS } At a Court Leet & Cort Baron of Thōms Gerard Esqr  
MANNOR } sst there held on thursday the 26th of April 1660 by John

Ryves Steward there

CONSTABLE Richard ffoster

RESIANTS Robert Cowx William Roswell John Gee John Greene Beniamin Hamon

FREEHOLDERS: Robert Sly gent Will'm Barton gent Robt Cole Luke Gardiner Christopher Carnall John Norman John Goldsmith.

LEASEHOLDERS Thom's Jackson Richard ffoster Samuell Norris John Mansfeild Edward Turner John Shancks Arthur Delahay Clove Mace John Tennison

JURY AND }	Christopher Carnall	Richard Smith
HOMAGE } John Tennison	John Norman	
	John Gee	John Love
	Edward Turner	George Harris
	Beniamyn Hamon	Willm Roswell
	John Greene	Walter Bartlett

Wee the above named Jurors doe prsent to the Cort Luke Gardiner for not  
doeing his Fealty to the Lord of the Mannor Jt is ordered therefore that hee  
is fined 1000l of Tobcōe

Wee prsent fower Jndians vizt  
for breakinge into the Lord of the Mannors orchard whereof three of them  
were taken & one ran away & they are fynd 200 arms length of Roneoke.

Wee prsent also two Jndian boyes for being taken wth hoggs flesh & running  
away fro' it & they are fined 40 arms length.

Wee prsent also a Cheptico Jndian for entringe into Edward Turners house  
& stealing a shirt fro' thence & hee is fined 20 arms length if he can be knowne

Wee prsent also Wickocomacoe Jndians for takeinge away Christopher  
Carnalls Cannowe fro' his landing & they are fynd 20 arms length if they bee  
found

Wee prsent also the King of Cheptico for killing a wild sow & took her piggs  
& raysed a stock of them referred to the hōble the Gounor.

Wee concieve that Jndians ought not to keepe hoggs for vnder prtence of  
them they may destroy all the hoggs belonginge to the Mannor & therefore they  
ought to bee warned now to destroy them else to bee fynd att the next Court.  
Referred to the hōble the Gou'nor.

Wee reduce Luke Gardiners fyne to 50l of Tobcōe

We am'ce the fower Jndians to 50 arms Length of Roneoke & the Jndian that  
had his gun taken fro' him to bee restored agayne to the owner thereof

The Jndian boyes wee am'ce 40 arms Length of Roneoke as they are above  
am'ced

We am'ce the Cheptico Jndian for stealing Edward Turners shirt to 20 arms  
length of Roneoke

Wee am'ce also Wickocomacoe Jndians for takeinge away Christopher Carnalls  
Cannowe to 20 arms Length of Roneoke

Memorand that John Mansfeild sonne of \_\_\_\_\_ Mansfeild deceased came  
into this Co\_\_\_\_\_ did atturne tent to the Lord of this Mannor

ST CLEMENTS      A Court Leet & Court Baron of Thomas Gerrard esquire there  
MANNOR            held on Wednesday the Three & Twentieth of October 1661. by  
Thomas Mannynge Gent Steward there for this tyme  
BAILIFF William Barton Gent.

CONSTABLE Raphael Haywood Gent

RESIANTS Mr Edmond Hanson George Bankes ffrancis Bellowes Tho: James  
John Gee Michael Abbott.

FFREEHOLDERS Robt Sly Gent Will Barton Gent Luke Gardiner Gent, absent  
Robt. Cole Gent. Raphael Haywood Gent Bartho Phillips Gent.

JURY	Rich: ffoster	JURY AND HOMAGE	Robt Cole
	Edward Conoray		Bartho Phillips
	Edward Rundall		Edward Conovay
	John Shanks		Edward Ransdell
	John Knape		Gerett Brenton
	Gerett Brenson		Clobe Mace
	Clove Mace		Edmond Hanson
	Robt Cooper		Robt Cooper
	Arthur De La huy		Arthur De La hay
	John Tenison		Wm Rosewell
			Tho: James
			Mich: James.

[Several leaves of the record missing.]

The Court adiorned till two of the Clocke in the afternoon.

John Gee and Rich. foster sworne

The Jury presents that Bartho: Phillips his Landes not marked and Bounded Round

The Jury Lykewise present that the Land belonging to Robt Cooper and Gerett Breden is not marked and bounded Round

The Jury Presents Robt Cooper for Cutting of sedge on St Clements Island and fowling wthout Licence for whch he is Amerced 10l of Tob. Affered to 10l of Tob.

The Jury Present that Edward Conroy while he was Rich fosters servant did by accident worray or Lugg wth doggs on of the Ld of the manors Hoggs and at another tyme Edward Conroy going to shoot at ducks the dog did Run at somebodys Hoggs but we know not whose they were and did Lugg them for whch the Jury doe Amerce Rich: ffoster 50l of Tob Affered to 20l of Tob.

The Jury presents Mr Luke Gardiner for not appearing at the Lords Court Leet if he had sufficient warning

ST CLEMENTS } ss A Court Leet of Thomas Gerard Esqr. there held on  
MANOR: } Thursday the eighth day of September 1670. by James  
Gaylard gent. steward there.

ESSOINES: Benjamin Salley gent James Edmonds Richd Vpgate Capt Peter Lefebur these are essoined by reason they are sick and cannot attend to do their suit.  
FFREEHOLDERS: Justinian Gerard gent, Robte Sly gent, Thom Notley gent, Capt Luke Gardiner, Benjamin Salley gent, Robert Cole, Barthollomew Phillipps, Jno. Bullock Wm. Watts, James Edmonds, Richard Vpgate, Simon Rider, Jno. Tenison, Richd. ffoster, Edward Connory, Jno. Shanks, Jno. Blackiston,

LEASEHOLDERS: Robte Cowper Capt Peter Lefebur, Henry Shadock, Richd. Saunderson Jno Hoskins, Thomas Catline.

RESIANTS: Richd Marsh, Joseph ffowler Roger Dwiggin Thom Casey, Jno. Saunders, Henry Porter, ffrauncis Mondeford Wm. Simpson Wm Georges George B ——— es Wm. West, Wm Cheshire, Jno. Paler, Robte ffarrer George Keith, Joshua Lee James Green, Thom oakely, Jno. Turner, Maunce Miles, Jno. Dash Wm ffelstead Jno. Chauntry:

JURY	Richd ffoster Jno. Tenison Edward Connory Robte Cowper Thom Catline Wm. Watts	Sworne	Jno. Blackiston Jno. Stanley Richd Saunderson Jno. Bullock Thom oakely Jno. Paler	Sworne
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BAYLIFF Jno: Shanks & Sworne.

PRESENTMTS: Wee prsent that Barthollomew Phillips his land was not layd out out according to order of Court formerly made wherefore he is fined one hundred pounds of tobacco & caske to the Lord.

We prsent John Tenison for suffering his horses to destroy John Blakiston's Corne field.

We prsent that Jno: Stanly and Henry Neale killed three marked hogs vpon the Lords Manor: whch Capt Gardiner received whch hogs were not of Capt Gardiner's proper marke which is transferred to the next Provinciall Court, there to be determined according to the Law of the Province.

We prsent that Edward Connery killed or caused to be killed five wild hogs vpon the Lords Manor. this was done by the Lords order and License

We prsent that the Lord of the Mannor: hath not provided a paire of stocks, pillory, and Ducking Stoole Ordered that these Jnstrumts of Justice be provided by the next Court by a generall contribution throughout the Manor.

We prsent that Edward Convery's land is not bounded in  
We prsent that Thomas Rives hath fallen five or sixe timber trees vpon Rich-  
ard ffosters land within this Manor, referred till view may be had of Rives  
his Lease

We prsent That Robert Cowper's land is not bounded according to a former  
order for which he is fined 100l tobco.

We prsent That Jno. Blackiston hunted Jno. Tenisons horses out of the sd  
Blackistons corne field fence which fence is proved to be insufficient by the  
oathes of Jno. Hoskins and Daniell White

We prsent Richard ffoster to be Constable for this Manor for the year ensu-  
ing who is sworne accordingly.

We prsent that Jno. Bullocks land is not bounded.

We prsent Mr Thomas Notly, Mr Justinian Gerard & Capt Luke Gardiner,  
freeholders of this Manor: for not a appearing to do their suit at the Lords  
Court wherefore they are amerced each man 50l of tobacco to the lord'

Jt is ordered That every mans land wthin this Mannor whose bounds are  
vncertain be layd out before the next Cort: in prsence of the greatest part of  
this Jury according to their several Grants vnder penalty of 100l tobco for  
every one that shall make default.

AFFEIR Thomas Catline }  
Willm Watts } Sworne.

ST. CLEMENTS } A Court Leet & Court Baron of Thomas Gerard Esqr. there  
MANOR, } ss held on Monday the 28th of October 1672 by James Gaylard  
gent Steward there,

#### ESSONIES

FFREEHOLDERS. Justinian Gerard gent Gerard Sly gent Thomas Notley gent Benja-  
mine Sally gent Capt Luke Gardiner Robte Cole Bartholomew Philips Jno.  
Bullock. Wm. Watts James Edmonds Richard Vpgate Simon Rider John  
Tennison Richard ffoster Edward Connory Jno. Shankes Jno. Blackiston  
Thomas Jourdaine.

LEASEHOLDERS Capt Peter Lefebur Henry Shaddock Richard Saunderson Jno.  
Hoskins Thomas Catline

RESIANTS Joseph ffowler Roger Dwiggin Henry Porter Wm. Simpson William  
Georges Wm. West Wm. Cheshire Jno. Paler Joshua Lee Maurice Miles Jo. Dash  
Wm ffelestand Richard Chillman Robte Samson Henry Awsbury Jno. Hammilton  
Wm. Wilkinson Abraham Combes Willm Harrison Jno Rosewell Vincent Mans-  
feild Edward Williams Marmaduke Simson Nicholas Smith Humphrey Willey  
James Traske Derby Dollovan Jno Vpgate Thomas Rives Michaell Williams  
Jno. Sprigg Charles Rookes ffrancis Knott Richard Hart Willm Polfe Thomas  
Attaway James Green Jno. Ball Thomas Liddiard Edward Bradbourne Jno.  
Suttle Jno. Lee Jno. Barefoot ffrancis Wood.

JURY	W'm Watts Jno. Tennison Jno. Rosewell Jno. Stanly Richard Saunderson ffrancis Knott.	{	Jno. Bullock Thom oakly Thom Jorden Jno. Hoskins Jno. Paler Vincent Mansfeild	{	Sworne.
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Edward Bradbourne complaineth agt Jno. Tennison that he unjustly de-  
teineth from him 200l tobco to the contrary whereof the sd Tennison having in  
this Coart taken his oath the sd Bradbourne is nonsuited.

We prsent Jno. Dash for keeping hoggs & cattle upon this Mannor for whch  
he is fined 1000l tobco.

We prsent Henry Poulter for keeping of hoggs to the annoyance of the lord

of the Manor. Ordered that he remove them within 12 days under paine of 400l tobco & caske.

We prsent the sd Henry Poulter for keeping a Mare & foale upon this Manor to the annoyance of Jno. Stanly ordered that he remove the sd mare & foale wthin 12 daies vnder paine of 400l of tobco & caske

We prsent Joshua Lee for injuring Jno. Hoskins his hoggs by setting his doggs on them & tearing their eares & other hurts for which he is fined 100l of tobco & caske

We prsent Humphry Willy for keeping a tipling house & selling his drink without a License at unlawfull rates for whē he is fined according to act of assembly in that case made & provided

We prsent Derby Dollovan for committing an Affray and Shedding blood in the house of the sd Humphry Willy Ordered that the sd Dolovan give suretys for the peace.

We prsent Wm. Simpson for bringing hoggs into this Manor for which he is fined 3l of tobco And ordered that he remove them in 10 days vnder paine of 300l of tobco & caske

We prsent Robte Samson & Henry Awsbury for selling drinke at unlawfull rates for which they are each of them fined according to act of Assembly.

We prsent [Simon Rider for keeping an under tenant contrary to the tenor of his Deed referred till view may be had of the sd Deed.

We prsent that Raphaell Haywood hath aliened his ffreehold to Simon Rider upon whē alienacōn there is a relieve due to the lord

We prsent an alienacōn from James Edmonds to Thomas Oakely upon whē there is a Reliefe due to the lord and Oakely hath sworne fealty.

We prsent that upon the death of Mr Robte Sly there is a Releife due to the lord & that Mr Gerard Sly is his next heire who hath sworne fealty accordingly

We prsent an alienacōn from Thomas Catline to Anne Vpgate

We prsent that upon the death of Richard Vpgate there is a Releife due to the lord & [Anne] Vpgate his relict is next heire

We prsent Mr Nehemiah Blackiston tenant to the land formerly in possession of Robert Cowper Mr Blackiston hath sworne fealty accordingly

We prsent an alienacōn from Wm Barton to Benjamine Sally gent upon whē there is a Releife due to the lord & Mr Sally hath sworne fealty to the lord. We prsent an alienacōn from Richard ffoster of pt of his ffreehold to Jno Blackiston upon which there is a Releife due to the lord

We prsent a Stray horse taken upon this Manor: and delivered to the lord

We prsent Robte Cole for not making his appearance at this Court for which he is amerced 10l of tobco affeired to 6l of tobco.

We prsent Edward ——nder to be Constable for this yeare ensuing Sworne accordingly.

AFFEIRORS    Wm Watts    }  
                    Jno. Bullock    }

## MARYLAND MANORIAL COURTS

By DR. J. HALL PLEASANTS<sup>1</sup>

St. Clement's Manor was granted to Thomas Gerard, November 3, 1639. It lay on the island of that name in St. Mary's County, and when first patented contained 1,030 acres. It was resurveyed for Gerard in 1642 and sufficient land added to bring the acreage up to 6,000; and it was resurveyed again in 1678, with additions increasing its size to 11,400 acres, for Justinian Gerard, who had inherited it under his father's will, and it was then possibly the largest non-proprietary manor in the Province. The patent contained the authority, usual at that time in such grants, for the lord of the manor to hold court leet and court baron. Thomas Gerard (1600-1673) was a Roman Catholic surgeon and planter of prominence, and a member of the Governor's Council and of the Assembly. He became involved, however, in the Fendall "rebellion" of 1660, and in November of that year was banished by Gov. Philip Calvert and his estates confiscated, but received a qualified pardon, February 28, 1660/1 (*Arch. Md. iii*, 396, 407-408; *xli*, 414, 427-429). His later years seem to have been spent in Virginia where he died.

This old record presents the classical picture of that relic of feudalism transplanted to American soil, an English manorial court. We have mention of the lord of the manor and the steward, the bailiff, the constable, the freeholders, the leaseholders, and the jury, or "jury and homage" as it is here styled. The names of the *resiants*, apparently those persons who lived on the manor but were neither freeholders nor leaseholders, were also recorded, as were also the names of the "essoines," that is those who were excused for their absence from court. It is not possible here to discuss the functions of such a court as this, or its origin. The interested reader is referred to John (Hemsley) Johnson's *Old Maryland Manors* (*Johns Hopkins University Studies*, 1883),<sup>2</sup> where this St. Clement's court record was first printed, for a brief review of such courts, and to a more thorough recent study of the manorial system as it existed on Maryland soil by Charles M. Andrews, which is to be found in his *Colonial Period of American History* (ii, pp. 292-298).<sup>3</sup> The St. Clem-

<sup>1</sup> Reprinted from "Archives of Maryland," vol. LIII, Baltimore, Md. (Maryland Historical Society), 1936, pp. lxi to lxv, by the kind permission of the author, who is the editor of the "Archives," to whose courtesy our Order is greatly indebted.

<sup>2</sup> See pp. 9-31 of this pamphlet.

<sup>3</sup> See pp. 1-8 of this pamphlet.

ent's court records have also been reprinted in the two editions of Thomas' *Chronicles of Colonial Maryland*, (see 1900 edit., pp. 128-142).

Although a large number of manors were granted to others, or set aside for himself, by the Lord Proprietary in the seventeenth and early eighteenth centuries, the Land Office index showing seventy-four in the former century, it is the belief of the writer that very few functioned with court leet and court baron, and the other feudal trappings of a well organized English manor. Already the manorial system was showing signs of breaking up in England, and transplanted to American soil was even more of an anachronism here for political and economic reasons. In Maryland, however, it was retained in a modified way by the Lord Proprietary as a form of land tenure, long after the manor itself had ceased to have any social, political or judicial significance.

Kilty, in his *Landholder's Assistant* (*Baltimore, 1808*, pp. 91-107), recognized three types of manors as having existed in Maryland: (1) manors, such as St. Clements's, containing usually at least 1,000 acres, granted to those persons of importance who had ventured into the province under the Conditions of Plantation in 1636, with the privilege, generally stipulated, of holding court leet and court baron: (2) manors with special rights and privileges, although sometimes these rights are described in a general way as those belonging to manors in England, which were erected by the Proprietary for the benefit of his heirs or other near relations: (3) manors set aside by the Proprietary for his own use, usually large tracts containing 6,000 or more acres each, scattered throughout the various counties of the Province. With this last group, as well as with many of the second group, we need not concern ourselves as these so-called manors appear to have been simply legal devices for holding lands to be later divided and either sold or leased. Of the seventy-four manors known to have been granted in the Province in the seventeenth century many were of the last two groups, for which anything in the nature of a manorial organization, with court leet and court baron, would have been useless. It is the first group of manors with manorial privileges, which were granted to various individuals, including some relations of the Lord Proprietary, which alone concern us.

A careful search of the proceedings of the Council, of the Provincial Court, and of the county courts of Kent, Charles, Talbot and Somerset, which have been so far printed, reveals mention of the existence of only two manors which are stated to have had court leet and courts baron, although it is probable that there may have been a few others which functioned for a brief period with a feudal manorial organization. These two were the manors of St. Clement's

and St. Gabriel's. The organization of a manor with a manorial court and other feudal trappings entailed considerable expense to the lord of the manor, and was only justified when the latter was willing to pay the price for the prestige which this gave him, or where the freeholders and leaseholders were sufficiently numerous and prosperous to make the fees and fines incident to the manorial organization of profit to the lord. Nor must it be thought that because an owner is styled "lord of the manor" this necessarily indicates that a manorial court was maintained. It is also doubtless true that courts were sometimes established, and then soon allowed to lapse as unprofitable or useless. Three or four decades after the settlement the growth of white servitude and of negro slavery tended still further to make a manor run on feudal lines economically unprofitable. Add to this the fact that the system, already more or less an anachronism in England, was even more so in the frontier atmosphere of the colonies.

In addition to the St. Clement's court record itself, there are two references to be found in the public records to the existence of a manorial court on this manor. (*Arch. Md. xli*, 464, 480). There is also to be found in the proceedings of the Provincial Court a reference to a court baron held on St. Gabriel's Manor, when, March 7, 1656, James Gaylard, the steward of Mrs. Mary Brent, "the Lady" of the manor, gave delivery "by the rod according to the custome of the sayd Mannor" of a messuage and thirty-seven and a half acres of land to one Martin Kirke (*Arch. Md. xli*, 94). St. Gabriel's Manor, containing nine hundred acres, had been granted, August 13, 1641, to Gov. Leonard Calvert (1606-1647), the younger brother of Cecilius Calvert, the Lord Proprietary, and Mary Brent, the lady of the manor in 1656, was probably a close relative of Leonard Calvert's wife, and may have been the guardian of his two children, who were minors at that date.

Had manorial courts existed on many of these old manors more frequent mention of them would almost certainly have found its way into the public records of the Province in the form of "transfers," or appeals, from the manorial courts to the Provincial or county courts, as in the case of St. Clement's and St. Gabriel's; for we learn from the St. Clement's record that certain cases brought before manorial courts might be referred, or appealed, to the Provincial court or to a county court, depending upon their importance. It is of course possible that the publication of later proceedings of the Provincial Court and of the county courts may show that manorial courts did exist on a few other manors than those just referred to, but that they could have been numerous seems most improbable.

A trivial breach of the peace "presented," October 27, 1659, at the

St. Clement's court, was ordered "transferred to the next County Court according to Law" (p. 628) \*. At the same session Robert Cole was fined for unlawfully marking one of the hogs of the lord of the manor (p. 628); Cole refused to pay the fine, and Gerard, the lord, appealed to the Provincial Court, where he lost his appeal (*Arch. Md.* xli, 480). Eleven years later at the September 1660 court, Capt. [Luke] Gardiner was accused of "receiving" hogs not bearing his mark, and this case was "transferred" to the Provincial Court (p. 634), but the result has not been learned.

To look upon seventeenth-century Maryland as a land in which some seventy or more large landowners lived in ample manor houses and held feudal sway over numerous freehold and leasehold tenants, is a romantic picture which is not justified either by the Provincial records or by the economic conditions of the time. As shown by these two volumes now published the county courts were the courts of the people in their daily difficulties, and the large amount of trivial litigation which found its way into them left little room for manorial courts to have played any but a very small part in the daily life of the community.

The stewards of St. Clement's Manor during these fourteen years were in succession, John Rives, Thomas Manning, and James Gaylard, all described as *gentlemen*. The steward was of course appointed by the lord of the manor. When the court met it swore the bailiff (p. 634) and the constable (p. 637). The "jury and homage" seems to have combined the function of a petit and grand jury, presenting delinquents, fixing fines, or referring cases to a higher court. In no instance is the lord of the manor mentioned as being present; possibly this is to be taken for granted. The records of the court, covering as they do only fourteen manuscript pages, may easily be read through, so need not be commented upon in much detail. The court also appointed highway supervisors (p. 634), directed the erection of stocks, pillory, and ducking stool "by generall contribution" (p. 634), and expelled questionable strangers, probably in the fear that they might become public charges (p. 628). There is no record of a whipping having been ordered for a delinquent. Acknowledgments of fealty to the lord were required (pp. 629, 637), as were "reliefs," or payment of manor dues, by an heir who had come into possession of a landholding through the death of a former tenant, or upon the purchase of a manor holding from another (pp. 636, 637). The court protected the herds of hogs and cattle owned by the lord (p. 628), and required the payment to him of one-half the value of wild hogs taken (p. 628), confiscated strays to the lord, and

\* References to pages in this article without source given refer to *Archives of Maryland*, vol. LIII. (M.S.)

took cognizance of a tenant who appears to have kept an under-tenant contrary to the terms of his deed (p. 636). The court also required that land marks be renewed and fences maintained (pp. 629, 633, 634, 635). Fines were imposed for fowling without a license (p. 633), cutting sedge on manor lands (p. 633), for selling liquor without a license, and charging higher prices for liquors than were fixed by the Assembly (p. 636). Various minor misdemeanors came before the court, including an assault by Samuel Harris, who "broke the peace w<sup>th</sup> a stick" so "that there was bloudshed," and more trivial offences which were punished by fines (pp. 627, 628, 636). Indians were brought before the court for pilfering and fined, not in tobacco but in varying lengths of Roanoke; although when the King of Chaptico stole a sow and her pigs, the matter was of sufficient gravity to be referred to the Governor, the court recommending that Indians thereafter should not be allowed to keep hogs on the manor (p. 629-630). There are a few cases involving difficulties between individuals, such as cutting another man's timber (p. 634), and damage done to a neighbor's crops by horses (p. 634). One conveyance of manor lands is recorded. On January 6, 1664, Thomas Gerard conveys 1,000 acres of St. Clement's Manor to his son-in-law, Robert Slye of Bushwood, who had very recently married Gerard's daughter Susanna, the land to be subject to an annual rental of two barrels of Indian corn, or twenty shillings of money. This lease recites that the land in question was part of the St. Clement's Manor granted, July 18, 1652 [1642], by Gov. Leonard Calvert to Thomas Gerard, containing 6,000 acres (pp. 631, 632).

Although a manorial court was a court of public record, the lord of the manor was the legal custodian of its records. The manuscript containing the proceedings of the St. Clement's Manor Court was presented to the Maryland Historical Society at its December 6, 1854, meeting, together with a number of other old manuscripts, by Bernard U. Campbell, who at the time of presentation referred to "a letter from Edmund J. Plowden, Esq., of St. Mary's County, showing that by the aid of a deed contained in that record he had been able to establish the bounds of Bushwood, his plantation, that had long been uncertain." Bushwood was part of St. Clement's Manor, and Campbell's statement suggests the possibility that Plowden had become the heir of the manor records and that Campbell had acquired them from him for deposit in the Maryland Historical Society. Campbell was a very prominent Catholic and at the time of his death was the senior member of the firm of Campbell & Graham. Both had been brought up in the firm of Alexander Brown & Sons of Baltimore, but in 1853 were placed in charge of the Baltimore agency of the associated firm of Brown Bros. & Co. of New York.

# PRIVATE MANORS: AN EDITED LIST<sup>1</sup>

By DONNELL MACCLURE OWINGS

Although the feudal manors erected in early Maryland have long been objects of some interest, little exact information about them has been gathered.<sup>2</sup> This consideration has led the author to submit the accompanying list of private manors and to add these informal remarks by way of preface. The list itself will suggest many problems which, in a projected book on the development of Maryland's provincial aristocracy, the author plans to discuss at some length.

The manors actually erected in Maryland fall easily under two heads, those granted to private adventurers, sixty-two in all,<sup>3</sup> and those taken up by the proprietary himself, about half as many. Of the latter class we have no very exact records: few certificates of survey were recorded, and no patents were drawn up.

As is generally known, the manor differed from other large freeholds in that the owner, or lord, as he was called, possessed certain privileges of a feudal kind: if the manor lay in Maryland, a special clause in his patent enabled him "to enjoy within the said Mannor a Court Leet and Court Baron, with all things thereunto belonging, according to the most usual forme and custome of England. . . ."

Of course it made no difference whether the tract so granted was called a manor or not. All of His Lordship's manors were so called, but the present list of private manors contains several true feudal seignories which, rather confusingly, were not commonly called or spoken of as manors at all (*vide* numbers 31, 49, 50, 52 and 61). On

<sup>1</sup>Reprinted here by kind permission of Mr. Owings and the Maryland Historical Magazine where this article was originally published in its number of December, 1938.

<sup>2</sup> The oldest authority in this field, John Kilty's *Land-Holder's Assistant and Land-Office Guide*, Baltimore, 1808, contains a brief chapter on manors and re-served lands. John Hemsley Johnson's "Old Maryland Manors with the Records of a Court Leet and a Court Baron," *Johns Hopkins University Studies in Historical and Political Science*, Series 1, no. 7, Baltimore, 1883, describes the legal aspects of the manor and prints the only record of a manorial court we have—a court held at St. Clement's Manor, 1659 to 1672. This document is also available in volume 53 of the *Archives of Maryland*. Mrs. Annie Leakin Sioussat's *Old Manors in the Colony of Maryland*, 2 series, Baltimore, 1911 and 1913, is a well written group of sketches of considerable historic interest.

<sup>3</sup> In a letter to M. S., dated June 3, 1944, Mr. Owings (now serving in the armed forces), states that one more manor has been traced by Mr. Harry Wright Newman of Washington, D. C., and Mr. Newman writes me that one or more should be added to the sixty-two of Mr. Owings.

the other hand, many freeholds, large and small, were regularly called manors when they were nothing of the sort.<sup>4</sup> With one possible exception all private "manors" first patented in 1685 or later were manors in name only.<sup>5</sup> More confusing are the earlier false manors: Captain John Carr's "St. John's Manor" (1674), which never acquired seigniorial privileges, and "Duddington Manor" (no. 55), "Rice Manor" (no. 58) and "Bohemia Manor" (no. 59), all later erected as true lordships. A minor source of confusion has been "His Lordship's Manor of Little Brittaine" a true manor, hitherto confused with a large plantation of 750 acres, "Little Brittaine" patented in 1640 to William Bretton, Gentleman, lying within and held of "Our Manor of Little Brittaine" in Newtowne Hundred, St. Mary's County (cf. Pat. R., I. no. 1, f. 69; Rent Rolls, I. zero, f. 25).

Of true manors originally granted to private adventurers, there were sixty-two, all patented within a period of just fifty years, the first three in August 1634, the last in April 1684.<sup>6</sup> Such manors might be obtained in two different ways. Many of them His Lordship granted by special warrant to friends or kinsmen or to local officials as marks of his esteem or rewards for special service. All the rest were first obtained under the head right system established and regulated by the conditions of plantation. Of these conditions there were six, running as follows:<sup>7</sup>

1. \_\_\_\_\_, \_\_\_\_\_ 1633: No copy of these conditions has been preserved; under them were granted in 1634 Leonard Calvert's three manors, the first in the province. He obtained 3000 acres for importing ten able men in the previous year, 1633 (cf. Pat. R., I. no. 1, f. 213).

<sup>4</sup> Consequently the author, when compiling this list, was obliged to examine all patents (for tracts of 1000 acres or more) up to about 1710 and some patents of a later date. He believes this list of private manors is complete.

<sup>5</sup> The possible exception is "My Lady's Manor," 10,000 acres in the forks of the Gunpowder River in the present Harford County, laid out for Margaret, Lady Baltimore, 26 August 1713, patented to her the following 10 September and by her devised to her relatives the Brewoods (Pat. R., I. DD, no. 5, f. 806). As the patent was never recorded at length, we can not determine whether this tract was actually erected as a manor. The question would seem to be a purely academic one.

<sup>6</sup> Although several private manors came permanently into His Lordship's possession, this author has discovered only two proprietary manors which were granted out virtually whole to private persons. These were Pangaya Manor in Charles County (1200 acres) of which 1000 acres was in 1673 laid out as "Barbadoes" and granted (apparently not as a manor) to Mrs. Elizabeth Wharton, widow of the late Deputy Governor; and the Manor of Conacheague in the present Washington County, which at a late period, 1768, was resurveyed for 10,688½ acres and granted to John Morton Jordan of London, the new proprietary Agent and Receiver General, at a yearly rent of *only one arrow*.

<sup>7</sup> Kilty and subsequent writers list only five; apparently they failed to discover those conditions of 1633 under which the earliest adventurers sailed for Maryland.

2. *Portsmouth, 8 August 1636*: 2000 acres for every five men (between 16 and 50) imported in 1633; 1000 acres for every five men imported in 1634 or since; for lesser numbers 100 acres for each man or woman and 50 acres for each child. Every tract of 1000, 2000 or 3000 acres is to be erected into a manor under such name as the adventurer shall choose.
3. *London, 10 November 1641*: 2000 acres for every 20 persons (of British or Irish descent, between 16 and 50 if men or 14 and 43 if women) imported in one year; for lesser numbers 50 acres for each adult and 25 acres for each child. Each tract of 2000 acres is to be erected as a manor.
4. *London, 20 June 1648*: The same without provision for children's headrights. One sixth each manor shall be demesne land not to be alienated by the lord of the manor for more than seven years.
5. *London, 2 July 1649*: 3000 acres for every 30 persons imported in one year; 100 acres for each single person. Each tract of 3000 acres is to be erected as a manor, and the provision for demesne land is repeated. (In a letter to Gov. Stone of 20 August 1651 Baltimore expresses a fear that should he con-Province perhaps in a short time taken up by a few people. will be too remotely situated from one another and the whole tinue to allow 100 acres for each person imported "the People . . ." After 20 June 1652 Stone is to allow only 50 acres for each person imported, cf. *Archives of Maryland*, v. 1, p. 331.)
6. *St. Mary's, 5 April 1684*: Abrogates the system of headrights substituting the purchase of land by payment of "caution money" at the Land Office; makes no express provision for the erection of manors. St. Augustine's, the last private Maryland manor, was erected, doubtless with His Lordship's consent, twenty days later.

This list presents the private manors in chronological order and endeavors to show about where each lay, how it was obtained, who the first patentee was, and in general what became of each manor. That is, the title is traced some way beyond the first grantee down in each case to the time when the manor permanently reverted to His Lordship (numbers 10, 21, 25, 51, 54 and 60) or ceased to be a manor (numbers 35, 37, and 42) or was cut up into smaller plantations or, in default of all these, down to the early decades of the eighteenth century. In many cases the record of title is not complete, because deeds in county court houses were not easily available to the author. But for many historical purposes the record is sufficiently full in most instances. Chief sources were the Patent Record (Pat. R.), Provincial Court Record (P. C. R.) and Rent Roll of

*circa* 1705, all in the state Land Office, and Baldwin's *Calendar of Maryland Wills*. Because the present indexes to the first two sources are at times confusing, liber and folio references are cited in each case.

*Trinity Manor*, 600 acres, *St. Gabriel's Manor*, 900 acres and *St. Michael's Manor*, 1500 acres, contiguous tracts in St. Michael's Hundred, St. Mary's County, all granted by a single patent to His Lordship's brother, Gov. Leonard Calvert, 30 August 1634 for importing ten able men in 1633 "according to our conditions of Plantation published . . . in the said year," resurveyed and regranted 13 August 1641 (Pat. R., 1. no 1, f. 218 and 122; 1. A B and H, f. 98). They descended through William Calvert, son of the patentee, to his grandson Charles Calvert.

4 and 5. *St. Elizabeth's Manor* and the *Manor of Cornwalley's Cross*, each of 2000 acres, contiguous tracts in St. Inigoe's Hundred, St. Mary's County, laid out for Capt. Thomas Cornwalleyes, 8 September 1639, granted him by patents of 12 February 1640/1 and 20 June 1654, for importing ten able men in 1633 (Pat. R., 1. no. 1, f. 110; 1. A B and H, f. 94 and 383). The latter tract was Cornwalleyes' dwelling plantation where his house may still be seen. On 9 August 1661 he sold both manors to John Nuthall of Northampton County, Virginia, merchant, whose son and heir, John Nuthall of St. Mary's County, Maryland, Gentleman, conveyed them on 21 July 1669 to Walter Hall of the same county (P. C. R., 1. B B, f. 3; 1. J J, f. 101). The subsequent history of these manors is complicated; in 1705 Capt. William Herbert possessed all of the Cross, and Mrs. Mary Van Swearingen had most of St. Elizabeth's.

6. *St. Clement's Manor*, 1030 acres, on Potomac, in St. Clement's Hundred, St. Mary's County, obtained by Thomas Gerrard, Esq., formerly of New Hall, Lancashire, for importing himself and five able men in 1638 and 1639; first laid out 2 November 1639 and granted the following day (Pat. R., 1. no. 1, f. 43 and 1. A B and H, f. 68). Gerrard surrendered the first patent, had the manor resurveyed for 6000 acres 11 December 1641, and regranted for this amount 18 July 1642 (Pat. R., 1. A B and H, f. 102 and 133). At his death in 1673 he bequeathed this manor, his dwelling plantation, to his eldest son, Capt. Justinian Gerrard, who resurveyed it for 11,400 acres, 13 June 1678 and obtained a patent for this amount 29 June, same year (Pat. R., 1. no. 20, f. 5 and 16). In 1688/9 he died without issue, bequeathing all his property to his wife Sarah, who married secondly Michael Curtis of St. Mary's County. On 18 May 1711, they sell St. Clement's Manor to Charles Carroll of Anne Arundel County, merchant, (P. C. R., 1. T P, no. 4, f. 44).

7. *Snow Hill Manor*, 1000 acres, in St. Mary's Hundred, St.

Mary's County, originally laid out for 6000 acres, the amount due Justinian Snow, Gentleman, for transporting himself and divers able men, for investments of stocks and goods and "other Good Services." This right Snow conveyed by deed of gift to his brother, "Abell Snow of Cursitor's office in London . . . Gent.," for whom the manor was laid out *27 February 1639/40* and patented two days thereafter; a gloss in margin of the patent declares "This was never Seated" (Pat. R., 1. no. 1, f. 55; 1. A B and H, f. 74). Pursuant to a special warrant of 8 October 1640 the manor was resurveyed for only 1000 acres, 9 February 1640, regranted 12th of same month (Pat. R., 1. no. 1, f. 109; 1. A B and H, f. 94). Under an act of 29 April 1650 (relating to deserted plantations) Snow Hill fell to His Lordship, who on 24 December 1652 regranted it, as a manor of only 900 acres, to James Lindsey of Charles County and Richard Willan of St. Mary's "for the True and Faithful Service by them . . . done and performed . . . in the late Troubles" (Pat. R., 1 A B and H, f. 252). On 10 July 1663 Lindsey conveyed his half, 450 acres, to Chancellor Philip Calvert (P. C. R., 1. B B, f. 34).

8. *Manor of Kent Fort*, 1000 acres on Kent Island, present Queen Anne's County. For his "acceptable services . . . in reducing the Isle of Kent" Baltimore's brother, Philip Calvert, received a warrant for 1000 acres, which he conveyed to Capt. Giles Brent, for whom the manor was surveyed *1 September 1640* and patented September 7th (Pat. R., 1. no. 1, f. 46; 1. A B and H, f. 70). Brent built the manor house (still extant) about this time. He later conveyed the whole manor to his sister, Margaret Brent, who gave it to her niece, Mary, daughter of Giles Brent and wife of John Fitzherbert of St. Mary's County, Gentleman. On 24 May 1673 they sold this manor to Richard Moy of St. Mary's City, innholder, whose only son, Daniel Moy, conveyed it, 29 August 1691, to Philip Lynes of Charles County, merchant (a brother-in-law of Gov. John Seymour's). By his will, 15 August 1709, Lynes devised one quarter (250 acres) each to his friend William Bladen, Esq., and his "cousin" Mary Contee, widow of Col. John Contee of Charles County. Pursuant to his own instructions, his executrix sold the remaining half, 26 January 1709/10, to Charles Carroll of Annapolis, who on 1 February following sold this half to Bladen. (P. C. R., 1. M M, f. 60; 1. W. R. C., no. 1, f. 550; 1. P L, no 3, f. 128).

9. *St. Richard's Manor*, 1000 acres, south side Patuxent, Harvey Hundred, St. Mary's County, surveyed for "Richard Gardiner by the name of Richard Garnett" *6 December 1640* in award for importing himself, his wife, four children and two servants in 1637. ("Garnett" seems to have been a clerical error.) As the first patent was never recorded and was "lost in the late Troubles," this manor

was again granted to "Luke Gardiner Son and Heir of the said Richard" by patent of 31 December 1652 (Pat. R., 1. no. 1, f. 61; 1. A B and H, f. 237). On 23 September 1662 Gardiner conveyed it to Dr. Luke Barber in exchange for Warberton Manor (P. C. R., 1. B B, f. 35). Prior to July 1664, the date of his will, Barber appears to have sold this manor to Richard Keene of Calvert County, who by will, probated 7 February 1675, devised it all to his eldest son Richard. This Richard sold it, 15 August 1691, to Andrew Abington, who bequeathed it by will, proved 9 November 1691, to his infant son John Abington (P. C. R., 1. W R C, no. 1, f. 546). The manor house dates from the latter part of the seventeenth century and is in good condition.

10. *Prior's Manor*, 1000 acres on Kent Island, present Queen Anne's County, surveyed for one "Thomas Adams, Gentleman" 5 March 1640/1 and granted three days later, for importing five servants since 1635 (Pat. R., 1. no. 1, f. 95). A gloss in margin of the patent reads "Surrendered." Unable to find this tract in 1705 His Lordship's Rent Roll Keeper declares "'Tis presumed this Land either fell, or taken up by others."

11. *St. Inigoe's Manor*, 3000 acres, on St. George's (now St. Mary's) River, contiguous to Cornwalleyes' Cross, in St. Inigoe's Hundred, St. Mary's County; it consists of two tracts "St. Inigoe's," 2000 acres on the East and "St. George's Island," 1000 acres, an island west of the mouth of the St. Mary's. Both were first surveyed for one Ferdinando Poulton 9 November 1639. When on 27 July 1641 Thomas Copley, Esq. (*alias* Rev. Philip Fisher, S. J.) assigned his warrant of 3000 acres (for head rights) to Cuthbert Fenwick, Gentleman, the two tracts were again laid out for Fenwick, formerly servant in a clerical capacity to Capt. Thomas Cornwalleyes, 27 July 1641; they were erected into a single manor and granted him next day (Pat. R., 1. no. 1, f. 40 and 116; 1. A B and N, f. 67 and 96). Yet on 1 October 1651 St. Inigoe's Manor was "now and a long time heretofore in the possession of Thomas Copley"; it was on this date resurveyed and with Copley's consent regranted to Cuthbert Fenwick and Ralph Crouch. On 12 July 1663 Fenwick, apparently as sole owner, sells it to Henry Warren of St. Mary's County, Gentleman, to whom it is confirmed, as a manor of 3400 acres, patent of 14 April 1667 (Pat. R., 1. A A and H, f. 173; 1. no. 10, f. 450). Warren sells it, together with St. Thomas' Manor, 24 August 1685, to the brothers John and Francis Pennington of St. Mary's County and of these Francis, the survivor, conveys both St. Inigoe's and St. Thomas' 5 October 1693, to William Hunter of St. Mary's County, Gentleman (P. C. R., 1. W R C, no. 1, f. 371 and 654). Robert Brooke owned this manor in 1705.

12. *Wolleston Manor*, 2000 acres, on Potomac, in Wicomico Hundred, Charles County, the dwelling place of James Neale of Charles County, Gentleman (formerly a merchant in Lisbon, son of Raphael Neale, Esq., of Wolleston, County Northampton), obtained under conditions of 1641, laid out 29 October 1642 and granted two days later; resurveyed for 1667 acres, 6 July 1674 (Pat. R., 1. no. 1, f. 113; 1. no. 15, f. 270). On 24 December 1681 Neale gave his elder son James half this tract (P. C. R., 1. W R C, no. 1, f. 211). He died in 1683/4 confirming in his will a previous deed of gift by which the other half passed to his younger son, Anthony Neale. The manor house, erected about 1661 by James Neale, Sr., was destroyed about 1900.

13. *St. Joseph's Manor*, 1000 acres, south side Patuxent, Harvey Hundred, St. Mary's County, obtained by Nicholas Harvey, Gentleman, for importing himself, his wife and five other persons in 1641; surveyed 2 December 1642 and granted 25 January 1642/3 (Pat. R., 1. no. 1, f. 130; 1. A B and H, f. 103). Harvey's daughter and heiress, Frances, married George Beckwith whose son and heir, Charles Beckwith, resurveyed St. Joseph's Manor for 1250 acres, 12 June 1706, and conveyed it, pursuant to an agreement of 9 September 1702, to George Plater of Calvert County, Esq. To Plater's son, George Plater of Anne Arundel County, it was patented for 1250 acres, 9 December 1727 (Pat. R., 1. I L, no. B, f. 181; 1 P. L., no. 7, f. 19).

14. *Westbury Manor*, 1250 acres, east side St. George's (now St. Mary's) River, St. George's Hundred, St. Mary's County, obtained by "Thomas Weston, Gentleman" (formerly "Citizen and Ironmonger of London") in part by conveyances from George Pye, in part for transporting himself and six persons in 1640; surveyed and patented 10 January 1642/3 (Pat. R., 1. no. 1, f. 22; 1. A B and H, f. 58). At a Provincial Court held 4 March 1653/4 Gov. William Stone obtained this manor from Weston's executors in satisfaction for debt. He bequeathed it in 1660 to his eldest son and residuary legatee, Thomas Stone, who on 2 June 1663 sold it to Henry Hyde of St. Mary's County (P. C. R., 1. S, f. 196; 1 B B, f. 282). Meantime Weston's only daughter and sole heiress, Elizabeth, married Roger Conant of Marblehead, Massachusetts; her claim to this manor descended to her son John Conant of Marblehead, whose attorney, Thomas Webb, was in possession when the Rent Roll of 1705 was compiled (cf. P. C. R., 1. W R C, no. 1, f. 354 *et seq.*).

15. *Eltonhead Manor*, called *Little Eltonhead Manor*, 2000 acres, north side mouth of Patuxent, in Eltonhead Hundred, Calvert County, obtained by William Eltonhead, Esq., formerly of Eltonhead, county Lancaster, a member of the council; he had 400 acres

by assignment and the remainder for transporting himself, six servants, a boy, a maid and a free woman in 1648; laid out *8 March 1648/9* and granted 26 July 1649 (Pat. R., 1. no. 2, f. 469 and 487; 1. A B and H, f. 16 and 21). At the battle of Severn, 25 March 1655, Eltonhead was captured and shot by the rebel Puritans of Providence (Anne Arundel County). Pursuant to his nuncupative will this manor passed to his widow and sole legatee, Mrs. Jane Eltonhead, whose son and heir, Thomas Taylor of Calvert County, Gentleman, resurveyed it 26 August 1661 and on 27 March 1669 conveyed it to his Lordship's son and heir, Gov. Charles Calvert. On 15 May, same year, Richard Eltonhead of Eltonhead, county Lancaster, brother and heir-at-law of William Eltonhead, conveyed his right in this manor to Charles Calvert. As Lord Proprietary, Calvert, by patent of 20 June 1677, re-erected this manor, renamed it the *Manor of Charles' Gift* and presented it to his second wife, Lady Jane Baltimore, with reversion to her son, Maj. Nicholas Sewall. She herself conveyed it to Sewall by deed of gift of 27 April 1684 (Pat. R., 1. no. 4, f. 582; 1. no. 12, f. 206; 1. no. 19, f. 484; P. C. R., 1. B B, f. 138; 1. F F, f. 87; 1. W R C, no. 1, f. 284). This tract does not appear in the Rent Roll of 1705; apparently the Keeper failed to discover there were two Eltonhead Manors (cf. number 26 below).

16. *St. Thomas' Manor*, 4000 acres, on Potomac, in Portobacco Hundred, Charles County, surveyed and granted *25 October 1649* to Thomas Mathews, Gentleman, who had his warrant for this amount by assignment from Thomas Copley. On 6 October 1662 Mathews conveyed it to Henry Warren of St. Inigoe's to whom it was confirmed by patents of 12 October 1666 and 2 February 1670/1 (Pat. R., 1. no. 3, f. 77; no. 10, f. 194; no. 14, f. 151). Warren sold it, together with St. Inigoe's Manor, on 24 August 1685, to the brothers John and Francis Pennington of St. Mary's County of whom the survivor, Francis, resurveyed it for 3337 acres, 16 November 1685, and on 5 October 1693 sold the whole to William Hunter of St. Mary's County, Gentleman, to whom he sold St. Inigoe's the same day. (Pat. R., 1. no. 22, f. 206; P. C. R., 1. W R C, no. 1, f. 371 and 654.) Hunter owned this manor in 1705.

17. *Causine Manor*, 1000 acres, on Potomac, in Portobacco Hundred, Charles County, obtained by Nicholas Causine, Gentleman, under conditions of 1636; laid out for him *25 October 1649*, resurveyed for him 11 October 1659 and granted to his son and heir, Ignatius Causine, 31 August 1664 (Pat. R., 1. no. 2, f. 534; 1. A B and H, f. 28; 1. no. 7, f. 368). In his will, probated 11 June 1695, Causine orders this manor divided equally among his sons Ignatius, John and William. The manor house is still extant.

18. *De la Brooke Manor*, 2000 acres, south side Patuxent in Res-

urrection Hundred, St. Mary's County, surveyed for the Rev. Robert Brooke, M.A. (Oxford), son of Thomas Brooke of Whitechurch, Hampshire, M.P., 21 November 1650, and granted to his son and heir, Baker Brooke, 19 June 1658, (Pat. R., 1. A B and H, f. 340; 1. Q, f. 56). Leonard Brooke was in possession in 1705.

19. *Manor of Brooke Place*, 2100 acres, north side Patuxent opposite De la Brooke, in Leonard's Creek Hundred, Calvert County, surveyed for Robert Brooke, 30 November 1650 and granted to his son and heir, Baker Brooke, 26 April 1658 (Pat. R., 1. A B and H, f. 356; 1. Q, f. 12). This was Robert Brooke's dwelling plantation, where he died in 1655. His grandson, Robert Brooke, was in possession in 1705. The house, still standing, was built in 1652. Both manors were obtained by headrights under the conditions of 1649.

20. *Resurrection Manor*, 4000 acres, south side Patuxent, in Resurrection Hundred, St. Mary's County, obtained by Capt. Thomas Cornwalleyes of the Cross under conditions of 1636, laid out and granted 24 March 1650/1 (Pat. R., 1. A B and H, f. 151 and 195). Prior to September 1669 Cornwalleyes sold this manor to "John Bateman of Patuxent, Esq.," a former London haberdasher, now agent and factor for Henry Scarborough of London, merchant. His daughter and heiress, Mary Bateman of London, Spinster, with Scarborough's consent, conveyed it on 18 November 1674 to Richard Perry of London, merchant (formerly of Patuxent in Maryland) who on 10 May 1684 sold it to George and Thomas Plowden of Lasham, Southampton, Gentleman. (P. C. R., 1. S, f. 413; 1. F F, f. 636; 1. P L, no. 6, f. 238; 1. W R C, no. 1, f. 341). George Plowden of St. Mary's County sold all Resurrection Manor on 8 December 1710, to James Bowles of the same county, merchant (*cf.* Rent Roll of 1705). The manor house (still extant) dates from the late seventeenth century.

21. *Basford Manor*, 1500 acres, east side Wicomico River, contiguous to St. Clement's Manor in St. Clement's Hundred, St. Mary's County, laid out and granted to Thomas Gerrard, Esq., 24 March 1650/1, in award for importing eight men in one year prior to 1648. (Pat. R., 1. A B and H, f. 167 and 181). On a resurvey this manor was found to contain 4000 acres (*cf.* Rent Roll). In his will, proved 15 December 1673, Gerrard ordered it divided equally between his wife Rose and young son John Gerrard with reversion to the latter; but by virtue of a decision of the Provincial Court of 2 December 1676, an older son, Thomas Gerrard of Westwood Manor, obtained possession of this entire tract, and on 18 April 1677 sold it to Gov. Thomas Notley, formerly a merchant of Barbadoes and St. Mary's County. (P. C. R., 1. N N, f. 205 and 350; 1. W R C, no. 1, f. 12). By his will, proved 6 April 1679, Notley devised this manor to Lord

Baltimore and Col. Benjamin Rozer, barrister, his residuary legatees. By purchase or otherwise, Baltimore obtained the whole manor and kept all but 300 acres, called "Bachelor's Hope," granted 30 March 1683, to Joshua Doyne of St. Mary's County, Gentleman (Pat. R., I. C B, no. 3, f. 142). This may have been the old demesne land; on it stands a fine house, probably erected by Gov. Notley.

22. *Westwood Manor*, 1600 acres on the head of Wicomico, Newport Hundred, Charles County, laid out and granted 27 March 1651 to Thomas Gerrard, Esq., for importing himself, his wife, five children, "Austin Hull, Gent." and eight servants in 1650 (Pat. R., I. A B and H, f. 193 and 199). On 29 January 1672 Gerrard gave this manor to his second son, Thomas Gerrard, Jr., who lived here until his death without issue in 1686. The manor passed eventually to his elder brother and heir-at-law, Capt. Justinian Gerrard, whose widow and sole heiress, Sarah, married secondly Michael Curtis of St. Mary's County. On 18 May 1711 they sell Westwood Manor and St. Clement's Manor to Charles Carroll of Anne Arundel County, merchant (P. C. R., I. J J, f. 287; I. T P, no. 4, f. 44).

23. *Fenwick Manor*, 2000 acres, south side Patuxent, in Resurrection Hundred, St. Mary's County on 24 April 1651, surveyed and granted to Cuthbert Fenwick in award for importing six men in 1640 and five in 1641 (I. A B and H, f. 151 and 158). In his will, dated 6 March 1654/5, Fenwick calls this *St. Cuthbert's Manor*, orders it divided among his five sons, Cuthbert, Ignatius, Robert, Richard and John, the first to have an extra hundred acres and be lord of the manor.

24. *Eltonhead Manor*, called *Great Eltonhead Manor*, 5000 acres, north side mouth of Patuxent, Eltonhead Hundred, Calvert County, laid out for Edward Eltonhead, Esq., 24 May 1652 and granted 26 April 1658. It was later escheated to His Lordship; Baltimore re-granted it 20 October 1663 to Henry Sewall, Esq., who on 23 July of the following year sold it to Samuel Groome of Ratcliffe, Middlesex, mariner (Pat. R., I. Q, f. 21 and 27; I. no. 5, f. 273; P. C. R., I. B B, f. 425). Groome had it resurveyed 15 March 1664/5 (Pat. R., I. no. 7, f. 528). By one or more conveyances it became the property of Major Samuel Bourne of Patuxent River, Calvert County, who by will dated 16 May 1693 divided Great Eltonhead between his daughter and two sons. Nevertheless the entire manor seems to have passed to Bourne's father and creditor, Capt. Thomas Bourne, a London Quaker who came over to Calvert County shortly before his death in 1704. He bequeathed the manor to his wife Mary, who at her death in 1706 ordered her executors to sell 2500 acres for the benefit of the estate and divide the residue between her sons, Benjamin and Jessie Jacob Bourne, and her daughter-in-law,

Elizabeth, widow of Samuel Bourne. The 2500 acres were sold out of the western part of this manor to John Rousby and became the "Rousby Hall" of later years. The original manor house seems to have stood near Cove Point.

25. *Abington Manor*, 1000 acres, east side Patuxent in Lyon's Creek Hundred, Calvert County, obtained by John Abington of London, merchant, under conditions of 1649, laid out 17 September 1653, granted 5 September 1655 (Pat. R., 1. Q, f. 208). Prior to January 1661/2 Abington surrendered this manor to His Lordship's son, Charles Calvert, who as Lord Proprietary owned it in 1705.

26. *Abington's Cliffs*, 1000 acres, east side Patuxent in Lyon's Creek Hundred, Calvert County, obtained under conditions of 1649, laid out for John Abington of London, merchant, 23 September 1653, and granted him 24 January 1661/2. Apparently it was erected as a manor because Abington had surrendered his previously granted manor "unto our dear son Charles Calvert, Esq." (Pat. R., 1. no. 4, f. 611 and 623). Abington died in London without issue in 1694 (cf. his will). As *Abington Manor* this tract, with a contiguous one, "Dowsdale" (1000 acres), was sold in London on 26 June 1702 by Abington's devisees, John and Charles Nelms of London, infants, and his niece and heir-at-law, Muriel Abington of London, Spinster, to John Hyde and Isaac Milner, London agents for the firm of William Holland, Richard Harrison and Samuel Chew, merchants of Maryland. Pursuant to a previous agreement, Hyde and Milner then conveyed both tracts to Richard Harrison and Seth Biggs of Calvert County, merchants, 6 November 1707; and of these, Harrison, the survivor, on 20 June 1709 conveyed the two tracts to Holland, Harrison and Chew (P. C. R., 1. P L, no. 3, f. 67 and 110). The whole transaction was confirmed by Act of Assembly 11 November 1709 (*Archives of Maryland*, v. 27, p. 474). These two Abington Manors confused the Rent Roll Keeper who in 1705 included only one — His Lordship's — which must have effected a considerable saving to these merchants and their successors.

27. *Poynton Manor*, 5000 acres, on Potomac, in Nanjemoy Hundred, Charles County, obtained by Gov. William Stone for transporting himself, his wife, four children and four servants and for "laudable services," laid out 12 July 1654 and granted 1 September 1658 (Pat. R., 1. A B and H, f. 425; 1. Q, f. 179). In his will, proved 21 December 1660, Stone calls this *Nanjemoy Manor*, bequeaths 600 acres to his eldest daughter Elizabeth (who in 1661/2 married Col. William Calvert) 500 acres each to his sons, Richard, John and Matthew, and the remainder to Thomas Stone, his eldest son and residuary legatee. On 3 October 1666 Thomas resurveyed his share, found it to contain only 1400 acres, had it regranted and rereected

as a manor 1 August 1668 (Pat. R., 1. no. 11, f. 330; 1. no. 12, f. 116). By his will, proved 5 October 1676, he devised his share of Poynton Manor to his son, Richard, with reversion to his son, William.

28. *Mount Calvert Manor*, 1000 acres, west side Patuxent, Mount Calvert Hundred, Prince George's County, surveyed 12 May 1657 and granted 17 February 1658/9 for natural love and affection to Chancellor Philip Calvert, His Lordship's brother (Pat. R., 1. A B and H, f. 437; 1. Q, f. 421). On 11 April 1667 the Chancellor sold it to William Groome of Calvert County, Gentleman, who had it resurveyed as *Calvert Manor*, 17 July 1670 (P. C. R., 1. F F, f. 480; Pat. R., 1. no. 12, f. 603). By his will, proved 5 April 1677, he ordered this manor divided equally between his sons, William and Richard. There is a manor house dating from the early eighteenth century.

29. *Cool Spring Manor* or *Cold Spring Manor*, 1050 acres, west side Patuxent, in Patuxent Hundred, Prince George's County, obtained by Gov. Josias Fendall under conditions of 1649 and for "good and faithful services," laid out 27 May 1657, and granted 25 September 1658 (Pat. R., 1. A B and H., f. 437; 1. Q, f. 198). On 10 May 1677 Fendall sold this manor to Major John Douglass of Charles County (P. C. R., 1. W R C, no. 1, f. 25) who by his will, probated 27 January 1678/9, devised 550 acres to his son, John, and the remaining 500 acres jointly to his sons, Charles and Joseph.

30. *Warberton Manor* or *Barberton Manor*, 1200 acres, east side Piscataway River (i. e., the Potomac), Piscataway Hundred, Prince George's County, surveyed pursuant to His Lordship's special warrant, for Dr. Luke Barber, 20 January 1657/8, and granted 25 October 1661. On 23 September, following year, Barber conveyed it to Luke Gardiner in exchange for St. Richard's Manor (Pat. R., 1. A B and H, f. 437; 1. no. 4, f. 601; P. C. R., 1. B B, f. 35). By his will, proved 12 August 1674, Gardiner devised it to his eldest son, Richard, who, by a will proved 13 December 1687, devised it to his own son, John Gardiner. Of this manor, John and Luke Gardiner sold 327 acres to Col. John Contee, who in 1708 devised it to his nephew, Alexander Contee. Prior to 1705 John Gardiner conveyed the remainder, 873 acres, to his brother Luke, who on 25 October 1717 sold it to Charles Diggs. Both purchasers resurveyed their tracts on 15 June 1725, Contee's share becoming 425 acres and Diggs' 1137 acres. Both obtained new patents, the former on 6 October, the latter on 26 October 1733 (Pat. R., 1. A. M., no. 1, f. 360; 1. P L, no. 8, f. 782 and 784).

31. *Spesutia Island*, 2300 acres, an island near the head of the bay, in Baltimore (now Harford) County, surveyed for "Nathaniel Utie of . . . Maryland, Merchant" 25 July 1658 and granted him 9

August 1661 (Pat. R., 1. Q, f. 456; 1. no. 4, f. 576). Utie and his London partner, Henry Meese, had undertaken to bring in "three score persons," His Lordship in return granting each a manor of 2300 acres. Utie died about 1675/6; as his only son, John, died young, the manor descended to his nephew George Utie (only son of Capt. George Utie) whose daughter and sole heiress, Susanna, married Francis Holland of Baltimore County. On 14 August 1779 their grandson, Francis Holland III, sold the entire manor to Samuel Hughes of Washington County, ironmaster. The researches of Mr. William B. Marye have located the site of the manor house (erected prior to 1703) at the north-west end of the island near where the ferry landing used to be.

32. *Worton Manor*, 2300 acres, on a point by Steele Creek; (i. e., Still Pond Creek, then commonly called Steel Pone Creek) in Kent County, surveyed for Utie's partner, Henry Meese of London, merchant, 15 August 1658 and patented on 13 August 1661 to Meese's assignee, Col. Edward Carter of Virginia (Pat. R., 1. Q, f. 456; 1. no. 4, f. 579). In his will Carter instructed his widow and executrix, Elizabeth, to sell this manor for payment of his debts and "towards raising of portions for his daughter." On 27 January 1692/3 Madam Carter conveyed it to Richard Bennett of Talbot County, merchant, who had it resurveyed for 1137 acres, 6 June 1699 and obtained a patent of confirmation, without express reference to manor rights, 9 April 1708 (Pat. R. 1. D D, no. 5, f. 398; 1. P L, no. 2, f. 184).

33. *Great Oak Manor*, 2000 acres, south side Bacon Bay, in Kent County, obtained by Gov. Josias Fendall for transporting himself, his wife and eighteen servants; laid out 16 August 1658 and granted 18 February 1658/9 (Pat. R., 1. Q, f. 423). On 20 May 1669 Fendall sold it to John Vanheck of Cecil County, Gentleman, who resurveyed the manor for 1550 acres, 12 March 1673/4 and obtained a confirmation, without express reference to manor rights, 10 June 1675 (P. C. R., 1. J J, f. 13; Pat. R., 1. no. 15, f. 204; 1. no. 18, f. 353). Vanheck died without issue in November of the same year devising one third of his estate to his wife, Sarah, and the remainder to her brothers, John and Nathaniel, sons of Capt. Thomas Howell. Great Oak was much cut up by 1705.

34. *Christian Temple Manor*, 1000 acres, north side Piscataway River, (i. e., the Potomac, the patent seems to be in error in placing it on the south side), in Chincamuxen Hundred, Charles County, laid out for Thomas Allanson (or Allison) of London, Gentleman, 13 April 1659 and patented to him 1 September of the same year. On 29 January 1666/7, having fulfilled his promise to transport twenty persons, he received a confirmation of this patent (Pat. R.,

1. no. 4, f. 73; 1. no. 10, f. 366). Allanson died intestate, leaving a son Charles; the manor was divided into small plantations before 1705.

35. *Manor of Elk Point*, 1000 acres, west side Chester River and east side Langford's Bay, in Kent County, laid out for Richard Husbands of London, mariner, 24 July 1659 (Pursuant to a conditional grant of 2 June 1658) and patented 20 January 1659/60. Husbands had undertaken to bring in twenty persons, and he forfeited his manor apparently through failure to do so. Under the name of "Tulley's Delight" this tract was resurveyed 29 November 1662 for Capt. John Tulley, and granted him, apparently *not* as a manor, 12 February 1663/4 (Pat. R., 1. Q, f. 472; 1. no. 4, f. 223 and 303; 1. no. 6, f. 181). As "Tulley's Delight" Capt. Tulley sold it to Seth Foster of Talbot County who in 1674 devised it to his "son-in-law" Maj. John Hawkins.

36. *Manor of Grafton*, 1000 acres, north side Choptank, in Talbot County, surveyed 20 August 1659, for John Harris of London, merchant, who had undertaken to import twenty persons; granted him 12 January 1659/60 (Pat. R., 1. no. 4, f. 253 and 409). As Harris died without heirs, this manor was escheated to His Lordship in 1673 (P. C. R., 1. M M, f. 165); Baltimore then gave it to his second wife's brother, the Hon. Vincent Lowe, who died without issue in 1692 (cf. Rent Roll). His nephew John Lowe of Talbot County had Grafton Manor resurveyed for 847 acres 21 August 1722 and obtained a patent, without express reference to manor rights, dated 25 December 1723 (Pat. R., 1. I. L., no. A, f. 395; 1. P. L., no. 5, f. 402).

37. *Manor of Cooke's Hope or Cooke's Manor*, 1000 acres, north side Choptank, in Talbot County, surveyed 23 August 1659 for Miles Cooke of London, mariner, who had undertaken to transport twenty persons; granted 17 January 1659/60. This manor later became the property of John Edmondson, Jr., who by will, proved 26 March 1687, devised it to his brother, James Edmondson, all of whose lands passed to his son, John Edmondson, by primogeniture. On 27 October 1720 John Edmondson resurveyed Cooke's Manor and contiguous tracts into "Edmondson's Difficulty," 1253 acres, which he patented 11 May 1726. The patent contains no reference to manor rights (Pat. R., 1. I L, no. B, f. 497; 1. P L, no. 6, f. 250).

38. *Canterbury Manor*, 1000 acres, north side Choptank, in Talbot County, surveyed for "Richard Tilghman Citizen and Chirurgeon of London" 23 August 1659, pursuant to a conditional grant of 23 January 1657/8, and patented 17 January 1659/60 (Pat. R., 1. Q, f. 465; 1. no. 4, f. 255 and 416). Tilghman sold it 3 September 1665 to Richard Preston of Calvert County, to whom it was con-

firmed by patent 20 July 1666 (P. C. R., 1. F F, f. 368; 1. no. 9, f. 503). By 1705 this manor had been cut up into small plantations.

39. *Manor of Tilghman's Fortune*, 1000 acres, north side Choptank, Talbot County, laid out 24 August 1659 for "Samuel Tilghman of London," patented 17 January 1659/60 (Pat. R., 1. Q, f. 460; 1. no. f, f. 256 and 420). Like his cousin Richard, Samuel Tilghman had undertaken to import twenty persons. On 26 April 1664 he conveyed this manor to Francis Armstrong of Calvert County, who sold it to John Edmondson, Sr. Edmondson cut it up into small tracts, sold part and distributed the rest by will.

40. *Wolseley Manor or Chancellor's Point*, 1000 acres, north side Choptank, in Talbot County, laid out 25 August 1659 and granted 18 January 1659/60 for "laudable services" and natural affection, to Chancellor Philip Calvert, who named it in honor of his first wife, Ann Wolseley (Pat. R., 1. no. 4, f. 257 and 424). In 1665 Calvert sold it to Richard Preston of Calvert County, who on 20 August, same year, sold it to Henry Stacy of London, merchant. On 26 September 1678 Stacy conveyed it to William Vyner, citizen and alderman of Salisbury. In 1705 this was the property of one Clement Sales, Gentleman, who by will proved 18 January 1708/9 devised the manor to his son, George (P. C. R., 1. F F, f. 8 and 61; 1. W R C, no. 1, f. 89).

41. *Ratcliffe Manor*, 800 acres, north side Choptank, contiguous to Tilghman's Fortune, in Talbot County, laid out 25 August 1659, pursuant to a conditional grant (of 1000 acres) of 2 June 1658, and patented 17 January 1659/60 to Robert Morris of London (and of Ratcliffe, Middlesex?), mariner, who had undertaken to bring in twenty persons. (Pat. R., 1. Q, f. 462; 1. no. 4, f. 257 and 421). By deed of 12 August 1674 Morris sold it to "Henry Wasse, Citizen and Chyrurgeon of London" for whom it was resurveyed as 920 acres, 26 March 1675, and regranted 22 May 1676 (Pat. R., 1. no. 15, f. 286; 1. no. 19, f. 277). Prior to 1705 this manor became the property of Thomas Bartlett of Tredhaven Creek, blacksmith. By his will, probated 23 November 1711, he divided the manor among several children, devising 200 acres to his eldest son Thomas, 300 acres each to his sons John and James, and 150 acres to his daughter Mary, wife of Mr. John Lowe.

42. *Manor of Swaile*, 1000 acres, south side Elk River, in Cecil County, laid out for Philip Calvert 10 September 1659, and granted for laudable services and natural affection, 15 February 1659/60 (Pat. R., 1. no. 4, f. 271 and 464); surrendered before September 1664 to the Lord Baltimore, who seems to have regranted it as "Knowlewood" 14 May 1679 to Richard Edmonds of Cecil County for whom it had been resurveyed 2 September 1672. "Knowlewood"

was probably not a manor (Pat. R., 1. no. 15, f. 582). In 1688 Edmunds devised it all to his son, Thomas.

43. *Manor of Morton*, 1000 acres, on Elk River, in Cecil County, like Swaile granted to Philip Calvert for laudable services and natural affection; surveyed 13 September 1659 and patented 15 February 1659/60 (Pat. R., 1. no. 4, f. 271 and 465); also like Swaile surrendered to His Lordship prior to September 1664. Baltimore conveyed it about 1686 to Col. Ephraim Georgius Herman (the deed is in missing 1. S. D., no. B, f. 312), whose brother and heir, Casparus Augustine, possessed it intact in 1705.

44. *Manor of Godlington*, 1000 acres, west side Chester River, in Kent County, surveyed 15 September 1659 for Thomas Godlington of London, merchant, who had undertaken to bring in twenty persons; patented to him 16 February 1659/60 (Pat. R., 1. no. 4, f. 273). Godlington sold this manor to Capt. Thomas Cleggate of Calvert County, Gentleman, but meantime failed to execute his contract, so that title reverted to the Proprietary. However, on 5 July 1685 Baltimore confirmed this tract to Cleggate without making express reference to manor rights (Pat. R., 1. N. S. no. B, f. 261). On 10 September 1686 Cleggate sold it to Michael Miller of Kent County, Gentleman (P. C. R., 1. W R C, no. 1, f. 412), who on 3 February 1696 gave it to his son, Arthur. The manor house, still extant, is of seventeenth century origin.

45. *Manor of Stratford*, 1000 acres, west side Chester River, in Kent County, surveyed for Richard Chandler, merchant, 15 September 1659, and granted 16 February 1659/60 (Pat. R., 1. no. 4, f. 274 and 474). On 23 May 1726 William Chandler sold this entire manor to Thomas Garnett whose son, George Garnett of Kent County, Barrister, had it resurveyed for 1203 acres, 8 December 1733, and obtained a patent in confirmation 1 May 1735 (Pat. R., 1. E I, no. 3, f. 396 and 1. E I, no. 4, f. 298).

46. *Manor of Stephenheath*, 1000 acres, west side Chester River, in Kent County, laid out 16 September 1659 and granted 15 February 1659/60 to Samuel Pensax of London, mariner, who had undertaken to bring in twenty persons. Its subsequent history is obscure. In 1705 William Scott of Bristol owned 445 acres and one John Weaver the other 555 acres.

47. *Wiske or Danby*, 700 acres, north east side South branch of North West River, i. e., Back River, Patapsco Hundred, Baltimore County (cf. note by Mr. William B. Marye, Maryland Historical Magazine, vol. 16, p. 51); laid out 27 September 1659 and granted 20 February 1659/60 to Chancellor Philip Calvert, for "laudable services" and natural affection (Pat. R., 1. no. 4, f. 282 and 496). This manor seems to have been named for Danby Wiske, a York-

shire village near Kiplin, the ancient seat of the Calverts. It was granted as "Wiske," and as "Wiske" Calvert sold it in 1664 to Mathis Dacosta of Baltimore County, planter, a native of Fayal, Azores. As "that Tract . . . commonly called . . . Wiske alias Danby" Elizabeth, his relict, and her second husband, Thomas Williams of St. Mary's County, taylor, sold it on 15 July 1703 to William Taylard of Annapolis, Clerk of the House of Delegates (P. C. R., 1. B B, f. 508; 1. T L, no. 2, f. 761). On 12 May 1676 this manor is granted, as "Danby," to one Peter Mounts of Baltimore County, but I find no further reference to Mounts or his heirs; perhaps by error his name was inserted instead of Dacosta's (Pat. R., 1. no. 19, f. 354). Taylard seems to have had undisputed possession in 1705.

48. *St. Barbara's Manor*, 1000 acres, north side Piscataway (i. e., Potomac), River Side Hundred, Charles County, granted on 13 April 1661 to John Lewger, the late principal Secretary, for his ten years diligent service (Pat. R., 1. no. 4, f. 545). By his will, proved 9 December 1669, Lewger left this manor jointly to his sons, John and Thomas. In 1705 Capt. Thomas Dent owned one half and Thomas Wright the other.

49. *Admariothria*, 2500 acres, east side Piscataway, (i. e., Potomac), Piscataway Hundred, Charles (now Prince George's) County, laid out 15 October 1662 for George Thompson of Charles County, Gentleman, assignee of Thomas Gerrard, Esq., and granted him 24 January 1662/3 (Pat. R., 1. no. 5, f. 194 and 217). On 4 October 1671 Thompson sold it to Benjamin Rozer of Charles County, merchant and barrister, whose son and heir, Notley Rozer of Prince George's County, Gentleman, resurveyed it for 2137 acres, 2 November 1715, obtained a new patent for this amount 10 September 1716 and on his death in 1727 devised the whole manor to his only son, Henry Rozer (P. C. R., 1. J J, f. 194; Pat. R., 1. F F, no. 7, f. 95; 1 P L, no. 4, f. 219).

50. *Mattapany Sewall*, 1000 acres, south side Patuxent, Harvey Hundred, St. Mary's County, surveyed for His Lordship's son, Charles Calvert, 1 May 1663, and granted the following day to Henry Sewall, Esq., Secretary and Judge of Probate, son of Richard Sewall of Nuneaton, Warwick, Gentleman. As a manor of 1200 acres it was regranted, 20 April 1665, to his widow, Jane Sewall (soon to become Lady Baltimore) and was finally again patented on 22 October 1722 to her son, Major Nicholas Sewall (Pat. R., 1. no. 5, f. 271; 1. no. 7, f. 551; 1. P L, no. 5, f. 6).

51. *Wolseley Manor*, 1900 acres, east side north branch St. George's River, St. George's Hundred, St. Mary's County, laid out 18 August 1664 and granted 4 September of the same year to Chancellor Philip Calvert, because he "hath surrendered unto us his

Manors of Morton and Swale" (Pat. R., 1. no. 4, f. 276; 1. no. 6, f. 278). Calvert died without issue in 1682; his heir at law was his nephew Charles, Lord Baltimore, who appears as owner of this manor in the Rent Roll of 1705. The manor house is extant.

52. *Trueman's Place* 1000 acres, west side Patuxent, Benedict Hundred, St. Mary's County, surveyed 15 December 1665 for Nathaniel Trueman, Gentleman, assignee of Thomas Trueman, and granted to him 4 September 1666 (Pat. R., 1. no. 9, f. 78; 1. no. 10, f. 37). Trueman died unmarried in 1677, naming his brother Thomas residuary legatee. Ignatius Craycroft owned this manor in 1705.

53. *Portland Manor*, 2000 acres, contiguous to "Our Manor of Anne Arundel alias the Ridge," Herring Creek Hundred, Anne Arundel County, surveyed for Jerome White, Esq., the Surveyor Generall, "Son to Rchard White of Runwell in the County of Essex, Esq.," pursuant to a special warrant, *December 1667* and granted him 13 January 1667/8. Jerome White died without issue; his brother and heir, George White of County Essex, sold 500 acres to Edward Talbot and the rest, on 24 June 1693, to Charles, Lord Baltimore. On 4 April 1698 His Lordship resurveyed it for 2722 acres; of this he granted 1090 acres, 26 July 1699 to his agent, his first wife's brother, Col. Henry Darnall, for particular services, and 1000 acres 13 July 1701, "of our Special favour," etc., to one Charles Calvert Lazenby. (Pat. R., 1. no. 11, f. 163 and 205; 1. C D, f. 108 and 111; 1. B B, no. 3, f. 538). Later a captain in His Majesty's Footguards, Lazenby's relationship to the Proprietary is obscure. As "Capt. Charles Calvert of His Majestys First Regiment of Foot Guards" he was on 19 May 1720, approved by King in Council as Deputy Governor of Maryland to succeed Capt. John Hart (Pub. Rec. Off., Colonial Off., class 5, vol. 717, part 4). In 1748 Elizabeth Calvert, his daughter and sole heiress, married Benedict Calvert (formerly Swingate) of "Mt. Airy," natural son of Charles, fifth Lord Baltimore.

54. *Manor of Philipsburgh*, 2000 acres, south side Chicamacomico Creek, Dorchester County, surveyed for Chancellor Philip Calvert 25 March 1670 and granted him 11 May of the same year (Pat. R., 1. no. 12, f. 508). When in 1682 Calvert died without issue, this manor reverted to Charles, Lord Baltimore, his nephew and heir-at-law.

55. *Cerne Abbey Manor*, commonly called *Duddington Manor*, 1800 acres, east side Anacostin River (i. e., the upper tidal Poto-mac), Piscataway Hundred, Prince George's County. Pursuant to His Lordship's special warrant, this tract was erected as a manor and granted 20 March 1671/2 to *Thomas Notley of St. Mary's County*, merchant, later agent and Governor. The manor consisted of three

contiguous tracts: "Duddington Manor" (not previously a true manor), 1000 acres, "New Troy," 500 acres, and "Duddington Pasture," 300 acres, all surveyed for George Thompson, 4 June 1663 and granted to him (but not as a manor) 12 February 1663/4; by him conveyed 20 November 1670 to this Thomas Notley (Pat. R., I. no. 6, f. 172 and 174; I. no. 16, f. 441; P. C. R., I. J J, f. 138). By his will proved 6 April 1679, Notley devised this manor to his godson, Notley Rozer, who resurveyed it for 1356 acres, 2 November 1715, and obtained a patent for this amount 10 September 1716. By his will proved 5 August 1727, he bequeathed it all to his daughter, Ann Rozer, who married Daniel Carroll of Prince George's County. Their son, "Charles Carroll, Jr.," resurveyed this manor for 1531 acres, 16 May 1759, and obtained a new patent 8 January 1760 (Pat. R., I. F F no. 7, f. 59; I. P L, no. 4, f. 96; I. B C and G S, no. 16, f. 695; I.B C and G S, no. 19, f. 25).

56. *Friendship Manor*, 2000 acres, on Mattawoman Fresh, Portobacco Hundred, Charles County, surveyed 13 June 1672 and patented 1 August of that year, to "Bennett Hoskins, Esq., our very worthy Good Friend," apparently as a free gift pursuant to His Lordship's special warrant (Pat. R., I. no. 16, f. 543 and 545). The Rent Roll of 1705 charges 1046 acres to Capt. Thomas Dent and the remainder to "Bennitt Hoskins in England."

57. *Boareman's Manor*, 3333 acres, on Zekiah Swamp, Benedict Hundred, Charles County, surveyed for Col. William Boareman as "Brother's Gift" 5 November 1674 and patented as "Boareman's Manor" 10 May 1676. It consisted of contiguous tracts previously acquired by different assignments. This manor descended to William Boareman of Charles County, grandson of the patentee, who resurveyed it for 3978 acres 10 April 1725, and obtained a patent for this amount on 10 June 1734 (Pat. R., I. no. 19, f. 125 and 271; I. E I, no. 1, f. 272; I. E I, no. 5, f. 40).

58. *Wharton's Manor*, commonly called *Rice Manor*, 2300 acres, south side Nanjemoy Creek, Nanjemoy Hundred, Charles County. This tract, formerly called "Rice Manor" or "Lewis' Neck, was first surveyed as 3000 acres 8 September 1654 for Lt. William Lewis and was later escheated to the Lord Proprietary. On 31 November 1675 it was resurveyed as 2300 acres for Jessie Wharton (shortly appointed Deputy Governor) granted to him and now first erected as a manor, 8 June 1676. Henry Wharton, son and heir, sold it on 30 March 1716 to Jonathan Forward of London, merchant, who in 1729 sold it to Col. John Tayloe of Virginia. (Pat. R., I. no. 4, f. 536; I. no. 15, f. 373; I. no. 19, f. 283; P. C. R., I. T P, no. 4, f. 443).

59. *Bohemia Manor*, 6000 acres, on both sides Elk River, Cecil County; obtained by Augustine Herman, a native of Prague, by

headrights and "for making the Mapp of this province." It was first surveyed as 4000 acres 6 August 1661, and granted him but not as a manor, by patent of 19 June 1662. It was regranted for 6000 acres, and first erected as a manor, 11 May 1676, confirmed and re-erected by patents of 4 August 4 September 1682 (Pat. R., 1. no. 4, f. 572; 1. no. 5, f. 109; and 1. no. 19, f. 269; 1. C B, no. 3, f. 15 and 38). Herman died in 1686 entailing this manor and other lands forever (after the decease of his elder son) upon the eldest male line of his second son's descendants, desiring the lord of the Manor always to bear his Christian name. The elder son, Ephraim Georgius Herman, died shortly thereafter, and the younger, Casparus Augustine, obtained possession of the manor house on 3 June 1690. On his death in 1697 the manor passed to his infant son Ephraim Augustine Herman, who reached maturity in 1713. For the later history of this manor *vide* George Johnston's *History of Cecil County, Maryland*, p. 173 *et seq.*<sup>8</sup>

60. *Susquehanna Manor* or *New Connaught Manor*, later called *Talbot Manor*, 32,000 acres, on North East River, Cecil County; no certificate of survey is recorded. The manor was granted to "our right trusty and right beloved Cozen and Counsellor George Talbot of Castlerony in the County of Roscommon in the Kingdome of Ireland, Esq.," 11 June 1680 and regranted 22 March 1683/4. Talbot had engaged to bring over within twelve years 640 persons, but unable to do so, he obtained his manor by transporting about sixty persons and paying 13,920 pounds tobacco (£58 Sterling) (Pat. R., 1. no. 20, f. 366; 1. S D, no. a, f. 230). On 31 October 1684 Talbot ruined a promising career, in a moment of anger stabbed to death Christopher Rousby, His Majesty's Collector for Patuxent District. He was tried and pardoned in the next year, later returned to Ireland, served in the army of King James and was consequently outlawed for treason. By his will, drawn up in Spain but never probated, he left this manor to a son whose heirs, by the name of Crofton, claimed Talbot Manor in Gov. Sharpe's time. The Lords Baltimore had long before seized this tract, which they believed forfeited to them on two counts, first by murder and later by treason (cf. *Archives of Maryland*, v. 6, p. 205; v. 14, p. 403).

61. *Sarum*, 1150 acres, on St. John's River, Newport Hundred, Charles County, granted to Joseph Pile of St. Mary's County, Gentleman, and first erected as a manor by patent of 20 November 1680. It included "Baltimore's Bounty," 150 acres and "Sarum," 1000 acres, the latter granted to Pile's father John, 13 August 1662, but

<sup>8</sup> Much interesting contemporary information regarding this manor and the Herman family will be found in *Journal of Jasper Danckaerts*, 1679-1680, in *Original Narratives of Early American History*, New York, 1913. M.S.

not as a manor (Pat. R., 1. no. 5, f. 153; 1. C B, no. 2, f. 133). By will, proved 8 November 1692, Joseph Pile devised the entire manor to his son Joseph, who by his own will, proved 28 September 1724, devised "Baltimore's Bounty" and 700 acres of old "Sarum" to his sons, Joseph and Bennett, jointly, and 300 acres of "Sarum" jointly to his three daughters.

62. *St. Augustine's Manor*, a vast tract of no definite acreage, contiguous to Bohemia Manor, lying in the present Kent County, Delaware, laid out for Augustine Herman, pursuant to a special warrant of 5 April 1671, erected as a manor and granted to his son and heir, Ephraim Georgius Herman 25 April 1684 (Pat. R., 1. S D, no. A, f. 314). The manor passed to his brother and heir-at-law, Casparus Augustine Herman, and thence to the latter's son, Ephraim Augustine, who on 11 February 1714/5 sold the whole to Matthias Van Bebber of Cecil County, Gentleman.

# MANOR OF MATTAPANY SEWALL

## ST. MARY'S COUNTY, MARYLAND

By ROSALIE FELLOWS BAILEY

Prepared for the Order of Colonial Lords of Manors  
in America, 1938

August 20, 1661 "Henry Sewall, formerly of London, England, but now of Calvert County, Maryland" was commissioned Councillor, Secretary, and Judge of Probate of Wills for the Province (*Maryland Archives*, v. 3, p. 439). He had emigrated this year.

September 25, 1661 Cecilius, Lord Baltimore, to his Lieutenant (i. e., Governor) of Maryland, special warrant, requiring him to grant 2000 acres of land in the province with all rights, royal mines excepted, "unto our trusty and well beloved Henry Sewall of London, Esq., his heirs and assignes forever," under the usual yearly rent of 2 shillings per hundred acres, the location to be chosen by Sewall, and "to be held of us and our heirs as of some Mannr of ours in our sd province of Maryland in free and common soccage" and "we do hereby further require you in case the said Henry Sewall shall desire to have the said 2000 acres of land erected into a Mannour to erect the same into a Mannour accordingly, with all the said privileges and immunities (Royal Mines Excepted) as are most usually belonging to Mannors in England under the rent and conditions menconed in our declaration bearing date September 22, 1658 . . . and to be held of us and our heirs as of some honour of ours in our sd province in free and common soccage and to be called by such name as he the said Henry Sewall shall think fit." (Certified copy of this special warrant, filed in Liber 4, folio 615, in the Land Commissioner's Office, Annapolis, Maryland.)

May 20, 1663 Henry Sewall, Esq., surrendered this special warrant to Charles Calvert, Esq., Lieut. General: per marginal note on the above warrant.

May 1, 1663 Entered in the Rent Rolle, Mattapanie Sewall 1000 acres: Laid out for the Lord proprietary, a tract of 1000 acres in Calvert County, called Mattapanie Seawell (sic), lying on the south side of the Patuxent River and beginning at the mouth of Gardeners Creek, by Thomas Trueman, deputy Surveyor (see folio 271 in Liber 5 in the Land Commissioner's Office, Annapolis, Maryland).

May 25, 1663 Cecilius, Lord Baltimore, by his son and heir

Charles Calvert, Lieutenant General of Maryland, upon payment of 15,000 pounds of tobacco by Henry Sewall, Esq., and upon the conditions of plantation of Maryland July 2, 1649, granted to said Henry Sewall a parcell of land in Calvert County called Mattapany Sewall, lying on the south side of Patuxent River at the mouth of Gardeners Creek, containing and now laid out for 1000 acres, “*together with all Royalties and priviledges (Royal Mines Excepted) most usually belonging to Mannors in England*, To have and to hold the same unto him the said Henry Sewall his heirs and assignes forever To be holden of us and our heirs, as of our honour of West Saint Maries *in free and common Soccage by fealty only* for all Services,” upon yearly pament of 20 shillings. “*And we do hereby Erect the said 1000 Acres into a Mannour by the name of the Man-*nor *of Mattapany Sewall together with a Court Baron, and all things belonging thereunto by the Law or Custom of England,*” dated St. Maries May 25, 1663. (See folios 271-2, Liber 5, in the Land Commissioner’s Office, Annapolis, Maryland).

1664-65 Henry Sewall died. He made his will April 25, 1664, styling himself of Patuxent River; the Council meeting of September 6, 1664 recorded him absent in England; his will was probated April 17, 1665 (see Sewall Genealogy in Maryland Hist. Mag., v. 4, pp. 291-2; Maryland Calendar of Wills edited by Jane Baldwin, v. 1, p. 31).

April 20, 1665 Cecilius, Lord Baltimore, by his son and Heir Charles Calvert, Lieutenant General of Maryland, in consideration that Henry Sewall, Esq., and late Secretary of this province, hath due unto him 1000 acres by virtue of a special warrant and 200 acres more by assignment from Benjamin Rozer, do hereby grant unto Jane Sewall, the Relict of said Henry, all that 1000 acre parcel formerly surveyed and pattented to said Henry, but which patent was surrendered to the Secretary’s office by said Jane with the request that another may issue in her own name with addition of 200 acres since surveyed and called the “Addicon” (i. e., Addition), the patent for which was also delivered, “which said 1200 acres is into a Mannor erected According to his Lordships private Instructions to his Lieutenant and called Mattapeny (sic) Sewall,” lying in Calvert County on the south side of Patuxent River at the mouth of Gardeners Creek, “together with all rights, profits and benefits thereunto belong (Royal mines excepted) To have and To hold the Same unto her the Said Jane Sewall her heirs and assigns for ever, To be holden of us and Our heirs as of Our Honor of West. St. Mary’s *in free and comon Soccage by fealty only* for all Maner of Services” upon yearly payment of 24 shillings, “and we do hereby erect the Said 1200 Acres into a Mannor by the Name of the Mannor

*of Mattapeny Sewall (sic) together with a Court Baron and all things belonging thereunto by the Law or Custom of England,"* dated St. Mary's April 20, 1665 (see folios 551-2 in Liber 7, in the Land Commissioner's Office, Annapolis, Maryland).

1666: Jane Lowe, widow of Henry Sewall, married in or about 1666 Charles Calvert, then Governor of Maryland and later the Lord Baltimore. Government records show that Calvert made his residence at Mattapany. He returned to England in 1684, having appointed his young son Governor in his stead, and his step-son Nicholas Sewall and others Deputy Governors to rule for him. Jane, Lady Baltimore, died in Middlesex January 19, 1700, and her husband, Lord Baltimore, died February 27, 1715 (see Sewall and Calvert Genealogies in Maryland Hist. Mag., v. 4, pp. 291-2 and v. 16, p. 56; also Hester Dorsey Richardson's Side Lights on Maryland History, pp. 219-21).

April 28, 1684 Indenture by Charles, Lord Baltimore, and Lady Jane, his consort, formerly the widdow and Relict of Henry Sewall, Esq., dec'd, to Honbl. Henry Darnall and John Darnall of Charles Co., Maryland, Esqs., for and in consideration that he Charles, Lord Baltimore, had settled and confirmed unto Honble. Nicholas Sewall, Esq., Son and heir to the said Henry Sewall and Heir Apparent to the said Jane, a certain tract of 2000 acres upon which the said Nicholas Sewall was then seated, lying in Calvert County and called Charles' Gift, the said Charles, Lord Baltimore, and the said Lady Jane, for the settling of the said 1200 acres then called the Mannor of Matapany Sewall (sic) (the original patents to Henry and Jane Sewall above, here recited) with the Capital Messuage or Mannor House and the Appurtenances for the use of Charles, Lord Baltimore, and his heirs forever (this indenture is quoted in the 1722 patent below, see folios 7-8, liber P. L. 5, in Land Commissioner's Office).

October 22, 1722 Charles II, Lord Baltimore, by Richard Tilghman, Esq., Chancellor and Keeper of the Great Seal of Maryland, Know ye that Whereas Cecilius, Lord Baltimore, our greatgrandfather, by letters Patent dated April 20, 1665 . . . recites the above history, 1000 acres granted by special warrant to Henry Sewall then Secretary of the Province, after his decease the patent for same surrendered by his widow Jane Sewell (sic), and a new grant to her of the said tract with the addition of 200 acres due said Henry was made according to private instructions to his son Charles Calvert, Esq., his Lieut. General and our grandfather, and by him erected into a Manner called Mattapany-Sewall, lying on the south side of Patuxent River then in Calvert but now in St. Mary's County, and Whereas the said Jane Sewall afterwards intermarried with Charles

then Lord Baltimore our said Grandfather, and Whereas by indenture of April 28, 1684 by said Charles and Lady Jane to Honble. Henry and John Darnall, they settled and assured the said 1200 acres called the Mannor of Matapaney Sewall to the sole and proper use and behalf of the said Charles, Lord Baltimore, his heirs and assigns, having confirmed unto the Honble. Nicholas Sewall, Esq., son and heir to the said Henry Sewall and heir apparent to the said Jane, a 2000 acre tract called Charles's Gift in Calvert County, "Whereas we conceive that notwithstanding the Deed aforesaid made Over in trust to the Said Henry & John Darnall Esqs, to and for the use of Cecilius (sic) our said Grandfather & his Heirs for the Lands and Premises aforesaid called Mattapony Sewell (sic) yet we have thought fitt of our ffree Will to disclaim all Right and Intrest we have thereto & have Condescended to grant Settle & Confirm the Same to and upon Nicholas Sewall Esq. the Son and Heir at Law of the Said Henry Sewall Esq. Dec'd," and for this purpose gave instructions dated London March 12, 1721 to Honble. Philemon Loyd Esq., Deputy Secretary of Maryland, to make out a Patent and all things necessary thereto to the said Nicholas Sewall for the aforesaid Tract or Man: of 1200 acres called Mattapany Sewall "which he then was and now is in possession of" with an exemption of his paying any fine saving the usual rent of 4 shillings per hundred acres, "Wee doe therefore as well for the Causes and Considerations Aforesaid as also for the respect & Esteem Wee have & bear for our well beloved Kinsman and Uncle the Said Nicholas Sewall Esq." confirm unto the said Nicholas the aforesaid tract or mannor of 1200 acres called Mattapany Sewall with the Capitall Message or Manor house & appurtenances, lying on the south side of Petuxant River in St. Mary's County by the meets & bounds in ye sd originall grant, beginning at the mouth of Gardeners Creek, etc., "Together with all Rights Proffits benefitts and Privileges thereunto belonging (Royal Mines Excepted) To Have and to Hould the Same unto him the Said Nicholas Sewall his Heirs and Assigns forEver to be holden of us and our Heirs as of Our Mannor of West St. Marys *in free and Common Soccage* by fealty only for all Mannor of Services" upon yearly payment of the rent of 2 pounds 8 shillings, and for a fine upon every alienation of the Said Land or any Part thereof one whole year's rent. "*And we do hereby Erect the Said 1200 acres Into a Manor by the name of the Manor of Mattapaney Sewall together With a Court Barran and all things belonging thereunto by the Law or Custom of England,*" dated at Armes Oct. 22, 1722 (see folios 6 through 10, in Liber P. L. 5, in Land Commissioner's Office, Annapolis, Maryland).

The Manor of Mattapany-Sewall, in the early years of its exist-

ence, lay in Calvert County. In 1696 it was included in the region south of Indian Creek and on the south side of Patuxent River which was restored to St. Mary's County (see Dr. Henry J. Berkley's article on "Proprietary Manors and Hundreds of St. Mary's and other Counties" in *Maryland Hist. Mag.*, v. 29, p. 241).

The above Nicholas Sewall made his will as of St. Mary's County April 16, 1737, and died within a month, as it was probated May 9, 1737 (*Calendar of Wills* edited by Jane Baldwin, v. 7, p. 214).

I have not carried the history of the manor any further. Hester D. Richardson states that from Nicholas Sewall it descended in the Sewall family until the present century, but I have not attempted to ascertain when the property ceased to be a manor.

THE ORDER OF  
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COL. J. MAYHEW WAINWRIGHT  
MISS ROSALIE FELLOWS BAILEY

The Officers and Council form the  
Executive Committee







4/21/2017

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